

# BOARD OF SUPERVISORS

## Brown County



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### PLAN, DEV. & TRANS. COMMITTEE

Bernie Erickson, Chair

Mike Fleck, Vice Chair

Norbert Dantinne, Dave Kaster, Dan Haefs

### PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE

Monday, January 25, 2010

6:00 p.m.

Room 161, Ag & Extension Center  
1150 Bellevue Street

**\*\* PLEASE NOTE TIME \*\***  
(There will be no Land Con meeting.)

- I. Call Meeting to Order.
  - II. Approve/Modify Agenda.
  - III. Approve/Modify Minutes of the December 28, 2009.
1. Review minutes of:
    - a) Harbor Commission (11/19/2009).
    - b) Harbor Commission (12/21/2009).

#### Communications

2. Communication from Supervisor Haefs re: a Request that the Committee discuss having those departments with Planning/Development oversight present 2011 Budgets with zero levy dollar increases. (Referred from January County Board.)

#### Port and Solid Waste

3. Port & Solid Waste - Budget Status Financial Reports for October and November, 2009.
4. Materials Recycling Facility Building Repair Bid #1393 Tabulation – Request for Approval.
5. Renard Island Closure – Causeway discussion.
6. Oneida Seven Generation/Brown County Waste Gasification Project – Contract negotiation guidance.
7. Budget Adjustment Request (#09-150): Port Section 217 Budget Adjustment.
8. BOW Cooperative Landfill Plan and South Landfill Development Schedule Update.
9. Director's Report.

### **Airport**

- 10. Marketing RFP.
- 11. Director's Report.

### **Highway**

- 12. Discussion re: Signage for Private Business Trailblazing on County Road Right of Way.
- 13. Director's Report

### **Highway/Planning Commission**

- 14. Updates on CTH GV (standing item).

### **Planning and Land Services**

#### **Land Information**

- 15. Update regarding approval of The National Map: Imagery and Elevation Maps Grant for \$251,666 to complete Light Detection and Ranging (LIDAR) images to enable the development of contour maps for Brown County.

#### **Planning Commission**

- 16. Bay-Lake Regional Planning Commission (BLRPC) – update on BLRPC activities in Brown County (Mark Walter).
- 17. Contract with Advance to partially administer the Brown County Economic Development Revolving Loan Fund Program.
- 18. Budget Status Financial Report for November 30, 2009.

#### **Property Listing**

- 19. Budget Status Financial Report for November 30, 2009.

#### **Zoning**

- 20. Request to fill vacant Sanitary Inspector position. *(Motion at December mtg.: Refer to Human Resources to work with staff to eliminate Sanitary Inspector position and create a new administrative position and bring back to committee in January.)*
- 21. Budget Status Financial Report for November 30, 2009.

- 22. **Register of Deeds** Budget Status Financial Report for November 30, 2009.
- 23. **UW-Extension** Budget Status Financial Report for November 30, 2009.

### **Other**

- 24. Audit of bills.
- 25. Such other matters as authorized by law.

Bernie Erickson, Chair

### **Attachments**

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda. Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

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**PROCEEDINGS OF THE BROWN COUNTY  
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Planning, Development & Transportation Committee** was held on Monday, December 28, 2009 in Room 161 of the AG & Extension Center, 1150 Bellevue Street, Green Bay, WI

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**Present:** Norb Dantine, Bernie Erickson, Mike Fleck, Dan Haefs, Dave Kaster  
**Also Present:** Chuck Lamine, Bill Bosiacki, Matt Heyroth, Brian Lamers, Jeff DuMez,  
Tom Hinz, Jayme Sellen  
Fred Monique – Advance  
Other Interested Parties

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I. **Call Meeting to Order:**

The Meeting called to order by Chairman Bernie Erickson at 6:35 p.m.

II. **Approve/Modify Agenda:**

**Motion made by Supervisor Fleck and seconded by Supervisor Dantine to approve the agenda. MOTION APPROVED UNANIMOUSLY**

III. **Approve/Modify Minutes of Regular Meeting of November 23, 2009:**

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to approve. MOTION APPROVED UNANIMOUSLY**

1. **Review Minutes of:**

- a. Harbor Commission (October 2, 2009)
- b. Planning Commission Board of Directors (October 7, 2009)
- c. Planning Commission Board of Directors (November 4, 2009)
- d. Transportation Coordinating Committee (September 14, 2009)

**Motion made by Supervisor Fleck and seconded by Supervisor Haefs to suspend the rules and approve 1 a, b, c, & d together. MOTION APPROVED UNANIMOUSLY**

**Planning & Land Services:**

2. **Contract with Advance (Referred from September PD&T):**

Chuck Lamine addressed the committee, distributing a draft agreement between Brown County and Advance to transfer marketing and administrative tasks associated with the Economic Development Revolving Loan Fund Program. Administrative activities proposed to be transferred were noted, along with those activities to be retained by Brown County (see attached for details). Lamine stated that the PALS Department and Advance have agreed in general terms to the agreement as outlined, however, Corporation Counsel, John Luetscher, will complete a legal review with the intent to bring before this committee for final action in January.

**Motion made by Supervisor Haefs and seconded by Supervisor Dantine to refer to January meeting. MOTION APPROVED UNANIMOUSLY**

**Land Information Office:**

3. **Grant Application Review (#09-45): The National Map: Imagery and Elevation Maps under ARRA:**

Jeff DuMez informed the committee that this grant will be used to obtain elevation mapping of Brown County to support a variety of activities such as stormwater management, floodplain map review, transportation infrastructure planning, 3D visualization, etc, all objectives listed in the Brown County Land Information Strategic Plan. The total grant is for \$251,666 over 1.5 years. Although a match is not required, DuMez stated he is pursuing matching funds through local municipalities and other sources. (Additional information is attached)

**Motion made by Supervisor Dantine and seconded by Supervisor Fleck to approve grant application. MOTION APPROVED UNANIMOUSLY**

4. **Planning Commission – Budget Status Financial Report for Oct 31, 2009:**  
Lamine reported that expenditures to date are at the annual budget allocation, reflecting a once per year payment for Bay-Lake Regional Planning Commission and Northeast Wisconsin Stormwater Consortium. Charges to County departments do not reflect revenue from work performed for the EIS for the Southern Bridge and Arterial. All other categories are near budget.

**Motion made by Supervisor Fleck and seconded by Supervisor Dantine to receive and place on file. MOTION APPROVED UNANIMOUSLY**

5. **Property Listing - Budget Status Financial Report for October 31, 2009:**  
It was reported that several employees have taken voluntary unpaid leave which has reduced the salaries and fringe benefit expenses. It was also noted that land division review revenue has picked up and it is possible the department may reach budget projections.

**Motion made by Supervisor Dantine and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**Zoning:**

6. **Budget Status Financial Report for October 31, 2009:**  
Bill Bosiacki reported that all categories are at or near budget expectations. Permits and public charges are progressing at the anticipated rate.

**Motion made by Supervisor Fleck and seconded by Supervisor Haefs to receive and place on file. MOTION APPROVED UNANIMOUSLY**

7. **Request to fill Vacancy: Sanitary Inspector:**  
Bill Bosiacki explained that the Sanitary Inspector position has been vacant since March of 2007, held open due to a decrease in the number of private onsite wastewater treatment system (POWTS) permits. Current changes to Wisconsin Administrative Code 83.255 require that all POWTS be placed on the County's mandatory maintenance program which has significantly increased the workload. The number of POWTS on the maintenance program has increased from 6,200 to 10,650. An increase in fee from \$11 to \$16 will provide adequate funding to pay for the position without the use of levy funds. Bosiacki stated that failure to fill this position will result in the County not meeting minimum requirements of the State. Failure to complete shoreland inspections could result in structures being improperly placed and costly enforcement action that could be avoided. His recommendation is that Human Resources fill the vacancy which is currently in the Table of Organization and budgeted, therefore will have no fiscal impact.

The committee discussed options. After a lengthy discussion, it was the consensus to refer the matter to Human Resources with the suggestion that they work with staff to eliminate the present position and create an administrative position.

**Motion made by Supervisor Haefs and seconded by Supervisor Kaster to refer to Human Resources to work with staff to eliminate the Sanitary Inspector position and create a new administrative position and bring back to committee in January.**  
**MOTION APPROVED UNANIMOUSLY**

8. **Discussion and Action regarding implementation of the POWTS Maintenance Program. (Motion at October PD&T: To approve Option 1 Option D – that POWTS owners must have completed an ESI and returned to BC Zoning by December 31, 2015 (extended from 2013); and Option 1 Suboption E – that holding tanks and mounds to be completed first). Motion at October County Board: Refer to December Planning, Development, & Transportation Committee as per the County Board on 10/21/2009):**

Options were again discussed with Mr. Bosiacki stating that one would be that the County set parameters and develop a loan program after exploring funding mechanisms. An audit of the Wisconsin Fund Program was recently completed by the State Department of Commerce at which time Bosiacki stated he was informed that the Housing Authority may have block grants available for loans. He will follow-up on this possibility and report back.

**Motion made by Supervisor Haefs and seconded by Supervisor Dantine to refer to staff and report back in 60 days.**  
**MOTION APPROVED UNANIMOUSLY**

**Highway/Planning Commission:**

9. **Updates on CTH GV (standing item):**

**Motion made by Supervisor Kaster and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**Highway:**

10. **November 2009 Budget to Actual:**

Brian Lamers reported he foresees no problems with the winter budget. County Executive Tom Hinz noted there may be some reimbursement for snow removal available through FEMA. Cullen Peltier of Emergency Management Services is investigating this option.

**Motion made by Supervisor Kaster and seconded by Supervisor Fleck to receive and place on file. MOTION APPROVED UNANIMOUSLY**

11. **LED Traffic Signal Maintenance: If Brown County maintains the LED traffic signals, how are they being maintained:**

Chairman Erickson distributed pictures related to the recent snow storm showing that street lights were snow covered and unable to be seen (attached). Brian Lamers of the Highway Department agreed it was a problem, that staff had tried to clean them, however, could not keep up with it.

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to receive and place on file. MOTION APPROVED UNANIMOUSLY**

12. **Six Year County Highway Improvement Plan 2011 to 2016:**

Six Year County Highway Improvement Plan as included in packet material was addressed. Lamers explained that the plan is updated on an annual basis.

**Motion made by Supervisor Haefs and seconded by Supervisor Fleck to approve.**  
**MOTION APPROVED UNANIMOUSLY**

13. **Approval of the County taking ownership of the frontage road connection from CTH EB to CTH J:**

The US 41 project includes a new south frontage road that will connect CTH J and CTH EB, as well as provide access to Pamperin Park. Based on the function of the roadway, the DOT has recommended that this new road be under County jurisdiction.

**Motion made by Supervisor Haefs and seconded by Supervisor Fleck to approve. MOTION APPROVED UNANIMOUSLY**

14. **Request to Fill Vacancy: 1<sup>st</sup> Mechanic – Highway Department:**

Lamers asked that the Human Resources Department fill the current vacancy of a 1<sup>st</sup> Mechanic which is currently in the Table of Organization and budgeted, therefore, would have no additional fiscal impact. At this time, the staff of mechanics are not able to absorb the additional work load, leaving the options to put preventive and maintenance repair orders on hold, complete them through overtime or outsource, none of which he sees as viable.

**Motion made by Supervisor Dantine and seconded by Supervisor Kaster to approve. MOTION APPROVED UNANIMOUSLY**

15. **Director's Report:**

Lamers requested that an update of the construction of the Wrightstown Bridge project be put on the January agenda.

**Motion made by Supervisor Dantine and seconded by Supervisor Haefs to receive and place on file. MOTION APPROVED UNANIMOUSLY**

**Airport – Budget Status Financial Report for November 30, 2009**

**Register of Deeds - Budget Status Financial Report for November 30, 2009**

**UW-Extension - Budget Status Financial Report for November 30, 2009**

**Motion made by Supervisor Dantine and seconded by Supervisor Haefs to receive and place on file Budget Status Financial Reports for Airport, Register of Deeds and UW-Extension. MOTION APPROVED UNANIMOUSLY**

**Port & Solid Waste – No agenda items**

**Other:**

17. **Audit of Bills:**

**Motion made by Supervisor Haefs and seconded by Supervisor Dantine to approve payment of bills. MOTION APPROVED UNANIMOUSLY**

18. **Such Other Matters as Authorized by Law:  
January Agenda – Update on Construction of Wrightstown Bridge**

**Motion made by Supervisor Dantine and seconded by Supervisor Fleck to adjourn at 8:10 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel  
Recording Secretary

## PORT AND SOLID WASTE DEPARTMENT



Approved:  
12.21.09

2561 SOUTH BROADWAY  
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PORT AND SOLID WASTE DIRECTOR

### PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Thursday, **November 19, 2009**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey at 11:30am.

1. Roll Call:

Present:

President Neil McKloskey  
Vice-President Tom Van Drasek  
Commissioner Hank Wallace  
Commissioner Bill Martens (left at 1:15pm)  
Commissioner John Hanitz  
Commissioner Ron Antonneau (arrived at 1:40pm)

Excused:

Commissioner Craig Dickman  
Commissioner John Gower  
Commissioner Bernie Erickson

Also Present:

Dean Haen, Brown County Port & Solid Waste

2. Approval/Modification – Meeting Agenda

**A motion was made by Bill Martens and seconded by Hank Wallace to approve the agenda with the modification that Agenda Item #5 “Navigational Dredging Concerns Related to Fox River Clean-up Project” be discussed after Agenda Item #11 “Tonnage Report”. (Commissioner Martens noted a conflict of interest since he is a former employee of one of the parties involved in the cleanup.)** Unanimously approved.

3. Approval/Modification – October 12, 2009 Meeting Minutes

**A motion to approve the October 12, 2009 meeting minutes was made by Hank Wallace and seconded by Tom Van Drasek.** Unanimously approved. (Commissioner Martens abstained from voting since he was not in attendance at said meeting.)

4. Communication from Vice-President Van Drasek & Strategic Plan Subcommittee – Update

Commissioner Van Drasek stated the subcommittee did not meet last month and therefore no additional changes, additions and/or corrections have been made to the Plan. Van Drasek requested Board members consider joining committees related to economic growth in an effort to raise the Port's visibility. A list of possible committees was provided to the Commission. Neil McKloskey and Dean Haen are on the Planning Task Force for the County Waterfront Study. Tom VanDrasek is on the Public Policy Council at the Green Bay Chamber of Commerce and is attempting to get on one of the committees at New North. Ron Antonneau is on the Convention & Visitors Bureau and also the Good Government Council. The Commission discussed ways to promote the Port and port-related business especially since most committees nowadays seem to focus mainly on trails, green spaces, etc. A stakeholder list has been sent to the Aaron Schuette, Brown County Planning Department as well as a list of everyone receiving the Port newsletter. The next meeting for the Strategic Plan Subcommittee will be December 7<sup>th</sup> at 9am.

6. Foreign Trade Zone General Zone Activity Request – Update

Previously Thill Logistics, Neenah, requested use of the Foreign Trade Zone (FTZ) for a facility on Leicht's property. Due to some issues with the Leicht's property, Thill Logistics has acquired a building from Kimberly Clark in Neenah and is now requesting this property be made part of the general zone. Eventually this property will be moved to a subzone but due to time constraints, the general zone will be applied for at this time as it is a faster process. The general zone application does require that comparable property be removed from the FTZ in return for the new property. Since the

general zone around Whitman Field in Oshkosh has had no development, the required acreage will be taken from this area. The boundaries of the FTZ are the state boundaries. The FTZ in Milwaukee has no activities and is currently for sale. Madison has a FTZ around their airport. Brown County has been developing a FTZ statewide and currently has an application in for Marinette Marine in Marinette and GE Gas & Electric near Milwaukee. Brown County also has general zones in Green Bay and Oshkosh and now Neenah; subzones in Hudson, Osceola and Plymouth. Every general zone or subzone activity results in approximately \$10,000 annually to the Port.

7. 217 Budget Transfer, (Carolyn Maricque, BC Finance Director) – Request for Approval

Manager Haen and Carolyn Maricque, Brown County Finance Director, provided explanations and answers to questions raised at last month's Harbor Commission meeting regarding accounting errors made over the last eight years. A memo was included in the agenda packet outlining the discrepancies. Maricque explained that with the new financial system recently implemented by Brown County, the balance sheets for the Port Department and the Solid Waste Department were separated and in doing so, the following variances were noted:

2001	(\$98,699)	217 Agreement (USACE). <i>Although the Agreement was signed in June 2001, the tipping fee was not collected until 2002 which left a \$98,000 deficit for 2001.</i>
2002	(\$7331)	Transfer of funds was based off the 217 Agreement administrative costs rather than recouping all of the Port's losses.
2004	(\$47,783)	Additional expenditures incurred and posted the following year.
2007	(\$157,907)	Property purchase from the City of Green Bay. <i>Paid from the Property Acquisition Fund (217), but shown as additional income to the port on the income statement.</i>
2008	(\$156,864)	Legal fees. <i>Exact amount not known at year end so staff transferred an estimated amount.</i>

As of the end of 2008, the Port deficit totals \$452,000.

Staff indicated that although audits are done annually, they do not always go into the specifics of the agreements, as well as the fact that the audit is done for the Port & Solid Waste Department as a whole. The revenues and expenses were recorded, however, the cash deficit was not illustrated because of how the balance sheets were laid out. Manager Haen assured the Commission he thoroughly reviewed everything to ensure that all items were properly credited to the Port. Haen indicated he accepts the costs as real and it is his recommendation to transfer money from Port to Solid Waste to make the Solid Waste Department whole.

The Commission discussed interdepartmental chargebacks as well as departmental chargebacks and suggested that perhaps these numbers should be reviewed by an outside accountant. Staff stated they did not feel the numbers would change but it may give the Commission peace of mind. When asked if the County has a formula for chargebacks, staff indicated that a cost assessment is done annually by an outside firm annually. Departmental charges from Solid Waste average around \$40,000 annually.

Staff noted that at the November Solid Waste Board meeting, charging the Port interest was discussed which prompted the Harbor Commission to mention interest in a possible lawsuit. Staff assured the Commission that the funds are in the 217 Agreement fund and were simply not allocated over the past eight years to the proper fund accounts.

The Commission discussed in great detail how to proceed on repayment, if any, of the \$452,000. The Commission felt a reasonable option would be to repay the last two years stating that the error in 2007 was an accounting technique mistake on the part of Port staff and in 2008 a conscious decision was made to only transfer an estimate to the Fox River litigations bills which continuing to accrue at \$30,000 to \$40,000 per month.

Discussion on privatizing the Port Department ensued, however, Manager Haen indicated that Wisconsin does not permit for a port to become a port authority which allows the ability to bond. The Port being linked to the County provides bonding options.

Manager Haen explained the four Port accounts; 1) 217 Agreement, 2) Harbor Fee, 3) Harbor Dredging, and 4) Port. The "Port" account is the only account linked directly to Solid Waste. Payment for Port expenditures was being made from the Port account without the subsequent transfer of funds from one of the other accounts.

The Commission indicated it would like additional time to look into and discuss these issues further and also allow feedback and input from Commissioner Dickman. Neil McKloskey, Hank Wallace and Craig Dickman (by proxy)



volunteered to be on a subcommittee to 1) gather more information on the formula used for chargebacks (departmental & interdepartmental), 2) research feasibility of separating the Port from the Solid Waste Department and/or 3) separating from the County entirely and privatizing, 4) how funds are transferred, 5) year-end procedure for closing the books, 6) confirmation that all Port assets have been accounted for, and 7) the Port's liability for repayment after eight years. At this time the Commission recommended keeping this internal and discussing possible options with Executive Tom Hinz and Brown County Corporation Counsel.

Staff noted that Port & Solid Waste is one of only a few departments within the County that has two departments combined. Staff agreed that the Port should have their own balance sheet in order to see their cash, payables, assets, etc. Prior to 1999, the Port and Solid Waste were in fact two individual departments but both were still part of the County.

The Commission requested this portion of the meeting be recorded and forwarded to them by the end of next week for their review.

**A motion to set aside the 217 Budget Transfer and appoint a subcommittee to delve into these issues further was made by Ron Antonneau and seconded by Neil McKloskey. Unanimously approved.**

8. Great Lakes Restoration Initiative – Update

Two pre-proposals on a Great Lakes Restoration Grant were distributed to the Commission. The proposals, due on November 25, were submitted on November 19. Brown County is requesting the full amount, however, the U.S. Army Corps of Engineers (USACE) has informed Manager Haen they have received \$9M from the Environmental Protection Agency (EPA) for the construction of Cat Island. The grant is still being submitted however, since the \$9M has not been formally announced by the USACE. This grant is similar to the NOAA grant submitted in spring 2009.

The other pre-proposal is for environmental capping of Renard Island. If awarded the \$3.7M for capping, this would keep the Port's dredging dollars in tact. This project meets many of the Great Lakes Restoration Initiative's requirements and staff is optimistic. Advance approval from Finance will be requested in order to apply for these funds should they be awarded.

9. Director's Report

- Harbor Assistance Grant – Cat Island

The Harbor Assistance Grant for Cat Island has passed the cost benefit analysis. The seven grant applications are going to the advisory council for award. Further information should be available by the next meeting.

- Ballast Water Regulations

The State has released their ballast water regulations which are said to be favorable and that the WDNR has done well balancing the industry's needs. A copy of the regulations will be brought to the next meeting.

- BayPort Beneficial Reuse

Manager Haen met with the Wisconsin Department of Transportation (WDOT) Hwy 41 district director, coordinator, planner, and soil engineer and they are enthusiastic about the possibility of using dredge material to build the 43/41 interchange. Over 1.5M cy of material is needed to make the necessary grade at the interchange. Haen met with the WDNR as well as members of the Fox River Clean-up Project, who initially indicated they would have sand to use for the Hwy 41 project. Subsequently much of the groundwork for meeting state requirements has been done which has allowed Brown County to approach the WDNR for approval to beneficially reuse dredge material from the BayPort facility. Working together with the WDNR and WDOT to reuse this dredge material is good government as it is a win/win situation for everyone. Brown County has contacted Foth to prepare a proposal for a cost estimate for the beneficial reuse of the BayPort dredge material on the Hwy 41 project. This proposal will be brought to the Commission for review next month. Staff believes if all approvals are done prior to the WDOT laying out their bids, it will allow the WDOT to specifically require the contractor use this material.

- Noble Petro

The assignment for Noble Petro was approved by the Harbor Commission, the Planning, Development & Transportation Committee, and the Brown County Board. Noble Petro is now a Port customer.

10. Audit of Bills – Request for Approval

**A motion to approve the bills was made by Bill Martens and seconded by Ron Antonneau. Unanimously approved.**

11. Tonnage Report

In July staff reported tonnage was down 40%, however tonnage is currently down only 13% as November has been extremely busy. Staff expects that gap to close even further by year end and is a very positive sign for the Port.

5. Navigational Dredging Concerns Related to Fox River Clean-up Project – Update

As indicated in previous meetings, a letter was sent to the WDNR and EPA outlining Brown County's concerns related to the Fox River Clean-up Project. A response was received and a meeting was set up in Madison in early November. The short term issues (i.e., not being able to dredge in the East River and Georgia Pacific turning basins) progressed nicely with Georgia Pacific offering to pay up to \$20,000 for additional sampling for PCB's as requested by the WDNR and EPA. Haen noted the sampling has been done and the results should be available in early December. If the PCB concentrations come back  $\leq 1$  ppm, we will have unrestricted dredging. If the results indicate 1 to 2 ppm, an environmental clam shell will be required. If the PCB concentration is  $\geq 2$  ppm, a clam shell and silt curtain will be required, however the USACE has indicated they will not use a silt curtain. Staff feels confident the samples will come back less than 2ppm and we should be able to get next year's dredging completed. Currently there is over 10' of shoaling in the East River turning basin that must be dredged in order for ships to turn.

No progress was made on the larger issue of the proposed cap on one mile of the river which would limit the growth and expansion capabilities of five or our terminal operators. The WDNR and EPA indicated they are not changing the record of decision and the cap will be going in at its elevation. Manager Haen is currently in the process of working with the businesses affected by the proposed cap (C. Reiss Coal, CRM, LaFarge, GP and Leichts) to determine their interest in pursuing this matter further. If enough interest is shown, staff will hire Michael, Best & Friedrich to legally request amending the Record of Decision and having the cap set 2' lower which would bring the river to the seaway depth of 26' (based off low water datum). The additional cost to lower the cap by 2' would be estimated at approximately \$10M.

Although all of Brown County's legislators were copied on the letter to the WDNR and EPA, only Congressman Kagen has responded. Kagen indicated he would fully back the Port of Green Bay if they decide to pursue this further.

12. Such Other Matters as are Authorized by Law

The Commission requested the next Harbor Commission meeting be scheduled for December 14, 2009 at 12:45pm.

13. Adjourn

**A motion to adjourn was made by John Hanitz and seconded by Ron Antonneau.** Unanimously approved. Meeting adjourned at 1:30pm.

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Neil McKloskey, President  
Harbor Commission

Charles Larscheid, Director  
Port & Solid Waste Department

## PORT AND SOLID WASTE DEPARTMENT

*Brown County*

2561 SOUTH BROADWAY  
GREEN BAY, WI 54304

PHONE: (920) 492-4950 FAX: (920) 492-4957

**Approved:**

1.11.2010

CHARLES J. LARSCHEID

PORT AND SOLID WASTE DIRECTOR

### PROCEEDINGS OF THE BROWN COUNTY HARBOR COMMISSION

A meeting was held on Monday, **DECEMBER 21, 2009**, 11:30am., at Holiday Inn – City Centre, Green Bay, WI. The meeting was officially called to order by President McKloskey at 11:30am.

1. Roll Call:

Present: President Neil McKloskey  
Vice-President Tom Van Drasek  
Commissioner Bill Martens (left at 12:50pm)  
Commissioner John Gower (arrived at 11:40am)  
Commissioner Craig Dickman (left at 12:52pm)  
Commissioner John Hanitz  
Commissioner Ron Antonneau (arrived at 11:24am)  
Commissioner Hank Wallace

Excused: Commissioner Bernie Erickson

Also Present: Chuck Larscheid, Brown County Port & Solid Waste  
Dean Haen, Brown County Port & Solid Waste  
Tony Walter, Green Bay Press Gazette

2. Approval/Modification – Meeting Agenda

**A motion to approve the agenda was made Craig Dickman and seconded by John Hanitz.** Unanimously approved.

3. Approval/Modification – November 19, 2009 Meeting Minutes

**A motion to approve the November 19, 2009 minutes was made by Ron Antonneau and seconded by Hank Wallace.** Unanimously approved.

(2.) Approval/Modification – Meeting Agenda

**A motion to modify the motion approving the agenda was made by Craig Dickman and seconded by Tom Van Drasek.** Unanimously approved. Commissioner Martens requested Agenda Item #6 be discussed at the end of the agenda due to a conflict of interest.

4. Strategic Plan Subcommittee - Update

The Strategic Plan subcommittee of Dickman, Van Drasek, Wallace and Gower met to review the Strategic Plan. A few minor changes were made on the Mission Statement, Vision Statement, and Strategic Theme. The strategic theme was broken down into four categories: Open Markets, Sustainable Economics, Expand Markets & Revenues, and Autonomous & World Class Operations. Feedback was requested from the Commission and discussion ensued. One item to be discussed in the future is creating a separate and more recognizable identity for the Port of Green Bay. The next subcommittee meeting is scheduled for January 25, 2010 at the Port & Solid Waste offices.

5. Transfer of 217 Funds for past Port Expenditures – Request for Approval

As requested at last month's meeting, President McKloskey contacted County Executive Tom Hinz regarding the possibility of separating the Port Department from the Solid Waste Department. Executive Hinz indicated he was under the impression that once Finance had the money situation resolved, that would solve the separation issue. Executive Hinz offered to discuss this further with McKloskey, Larscheid and Haen. A subcommittee of McKloskey, Van Drasek and Antonneau was created to take a closer look at the financials from 2009 back through when the two departments merged.

**A motion to refer the Transfer of 217 Funds for past Port Expenditures to the subcommittee of McKloskey, Van Drasek & Antonneau was made by Craig Dickman and seconded by Tom Van Drasek. Unanimously approved.**

The subcommittee's findings, comments and recommendations will be brought back to the Harbor Commission. Once the issue is resolved on the transfer of 217 funds, the Commission will then discuss the possible separation of the departments. The Strategic Plan subcommittee will explore possible separation options in conjunction with reviewing the Strategic Plan. The subcommittee will focus on 3 considerations: 1) financial, 2) marketing value, and 3) operational and/or administrative future. It was also suggested that the authorities of the Harbor Commission be reviewed. *(Commissioner Antonneau will replace Commissioner Gower, who stepped down from the Strategic Plan subcommittee.)*

7. WDNR Ballast Water Permit – Update

The State of Wisconsin (WDNR) has released their ballast water permit. The U.S. Coast Guard (USCG) recently passed their ballast water regulations and it is currently out for public comment. Staff noted several differences between the two. The USCG is a national ballast water regulation which addresses all vessels (salties & lakies); whereas the WDNR permit is for the State of Wisconsin only and applies only to saltwater vessels. The permit issued by the WDNR is similar to the standards set by the International Maritime Organization (IMO). Staff felt this would be a good time to pursue "green" initiatives and referred to wording which the subcommittee included in the Strategic Plan. A brief discussion ensued on the Chicago Canal with the decision to take no action at this time.

8. U.S. Army Corps of Engineer's Renard Island Causeway Design 7 Cost Estimates

U.S. Army Corps of Engineers (USACE) design options for the causeway to Renard Island were reviewed. As requested the USACE provided options for a permanent and a temporary causeway for both the east and west sides of the Island. The options were reviewed and discussed by the Commission. Staff recommended meeting with the City of Green Bay to make them aware of the Commission's support of the lowest-cost operational structure. The USACE will pay only the minimal cost to access the Island and, therefore, anything above and beyond that will be the City's responsibility. The USACE timeframe is to build this year. Staff will report back in January with the City's response.

9. Director's Report

• Fox River Clean-up

Plaintiffs in the Fox River Clean-up have filed suit against other parties that possibly contributed to the Fox River Clean-up; however, Judge Griesbach dismissed the lawsuit out because 1) the plaintiffs were not entirely ignorant about the dangers of pcb's during the production period, 2) the plaintiffs did not attempt to identify any serious studies that would expose the dangers, and 3) the defendants had no reason to expect damages from handling the problems with pcb products. The court determined that end users should not have to bear the burden of unknown defects and the producers should be held liable. One-third of the pcbs discharged into the Fox River happened when the dangers were suspected and one-half of the pcbs were discharged into the river after a report was published indicating there may be some problems. WDNR figures indicate 98% of the pcb's discharged happened by the end of 1971. Although the initial lawsuit has been dismissed and absolves Brown County of any future litigation for the Fox River Clean-up, the plaintiffs could appeal. The federal and state governments are still holding discussions to get out of federal requirements of the cleanup. Brown County and the USACE were originally part of these discussions, however due to additional issues with dredging, talks have ceased. Brown County's expenses for legal services through September 2009 are \$95,700, with approximately 80% of this reimbursed by our insurance carrier. Discussion on an offer of settlement was discussed and staff will consult with Brown County attorneys for their opinion.

• Budget

The Port & Solid Waste budget was approved by the County Board in November. The Board also passed a mandatory one week furlough for administrative employees. Specifics of how this affects the department were discussed; however staff had little more information to offer. McKloskey and Dickman offered to draft the letter outlining the Commissions' concerns on the furlough: 1) as an enterprise fund, Port & Solid Waste offices need to be open in order to collect revenue, 2) Port & Solid Waste personnel should not be exposed to the furlough nor the cost of living adjustment, 3) will not argue about losing our 2.5% on county services if first two requests are honored, and 4) part of the value of the enterprise fund is not having to operate the same as other County departments who operate on taxpayer money. *(No comments were given by Port staff on the Commissions' position.)*

10. Audit of Bills – Request for Approval

**A motion to approve the bills was made by Bill Martens and seconded by John Gower. Unanimously approved.**

11. Tonnage Report - Update

In May tonnage was down 65% but should be only down by 12% at year end which is indicative of the changing economic conditions. Port closure for the season is dependant on the ice conditions.

6. Navigational Dredging Concerns Related to Fox River Clean-up Project – Update

Staff has been working on resolving conflicts with the EPA and WDNR regarding dredging for 2010. The WDNR requested more samples be taken from the river and Georgia-Pacific agreed to pay for these. The samples were collected and showed 1 to 2 ppm. Based on the results, the USACE should be able to dredge in the East River turning basin and Georgia-Pacific turning basin in 2010 using an environmental clam shell. Concern was expressed about capping in the navigational channel and how it would affect those businesses and their ability to grow in the future. The EPA and WDNR indicated the Record of Decision would have to be opened and amending which is a huge undertaking. Leicht's, LaFarge, C. Reiss Coal, Construction Resource Management and Georgia-Pacific were contacted by email and with follow-up phone calls to discuss how important this is to them. Based on the responses received, the Port will not be pursuing this issue further on behalf of these terminal operators. A draft letter indicating such was given to the Commission for their review and approval. The draft letter was also sent to Brown County Corporation Counsel and County Executive Tom Hinz. The Commission agreed with staff's decision not to pursue this matter any further and approved the letter as written.

12. Such Other Matters as are Authorized by Law

No other matters were discussed.

13. Adjourn

**A motion to adjourn was made by John Gower and seconded by Tom Van Drasek.** Unanimously approved. Meeting adjourned at 12:58pm.

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Neil McKloskey, President  
Harbor Commission

Charles Larscheid, Director  
Port & Solid Waste Department



50

**BROWN COUNTY  
BOARD OF SUPERVISORS  
COURT HOUSE  
GREEN BAY, WISCONSIN**

**BROWN COUNTY BOARD OF SUPERVISORS**

Meeting Date: JAN 20, 2010

Agenda No. : REFER to PLANNING + Development

Motion from the Floor

I make the following motion: A request that the  
Committee discuss having those departments  
with PLANNING / Development over sight  
present 2011 Budgets with ZERO LEVY  
dollar increases.

Signed: [Signature]

District No.: #6

(Please deliver to the County Clerk after the motion is made for recording into the minutes.)

Brown County  
Port & Solid Waste  
Port Area Budget Status Report  
10/31/2009

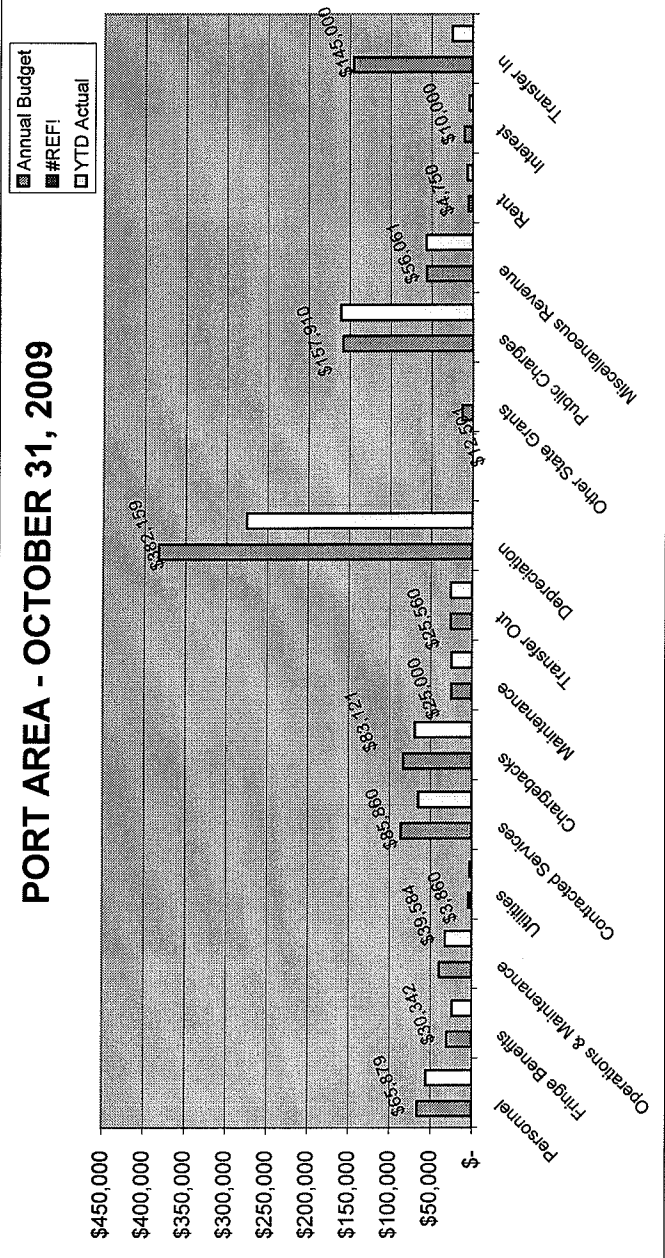
	Annual Budget	YTD Actual
Personnel	\$ 65,879	\$ 54,984
Fringe Benefits	\$ 30,342	\$ 23,732
Operations & Maintenance	\$ 39,584	\$ 32,339
Utilities	\$ 3,860	\$ 2,895
Contracted Services	\$ 85,860	\$ 64,536
Chargebacks	\$ 83,121	\$ 69,001
Maintenance	\$ 25,000	\$ 25,000
Transfer Out	\$ 25,560	\$ 25,542
Depreciation	\$ 382,159	\$ 274,877
Other State Grants	\$ 12,501	\$ -
Public Charges	\$ 157,910	\$ 160,876
Miscellaneous Revenue	\$ 56,061	\$ 56,361
Rent	\$ 4,750	\$ 6,251
Interest	\$ 10,000	\$ 3,869
Transfer In	\$ 145,000	\$ 25,000

**HIGHLIGHTS:**

Expenses: Expenses have increased due to receiving and spending for a Port Security Grant, development efforts at the Bysby property and dredged material management at Bay Port Dredged Material Disposal Facility.

Revenues: Revenues have increased as a result of increased Tipping Fees for dredged material disposal at Bay Port, Bysby property rent and the Port Security Grant.

**PORT AREA - OCTOBER 31, 2009**



Brown County  
Port & Solid Waste  
Port Area Budget Status Report  
11/30/2009

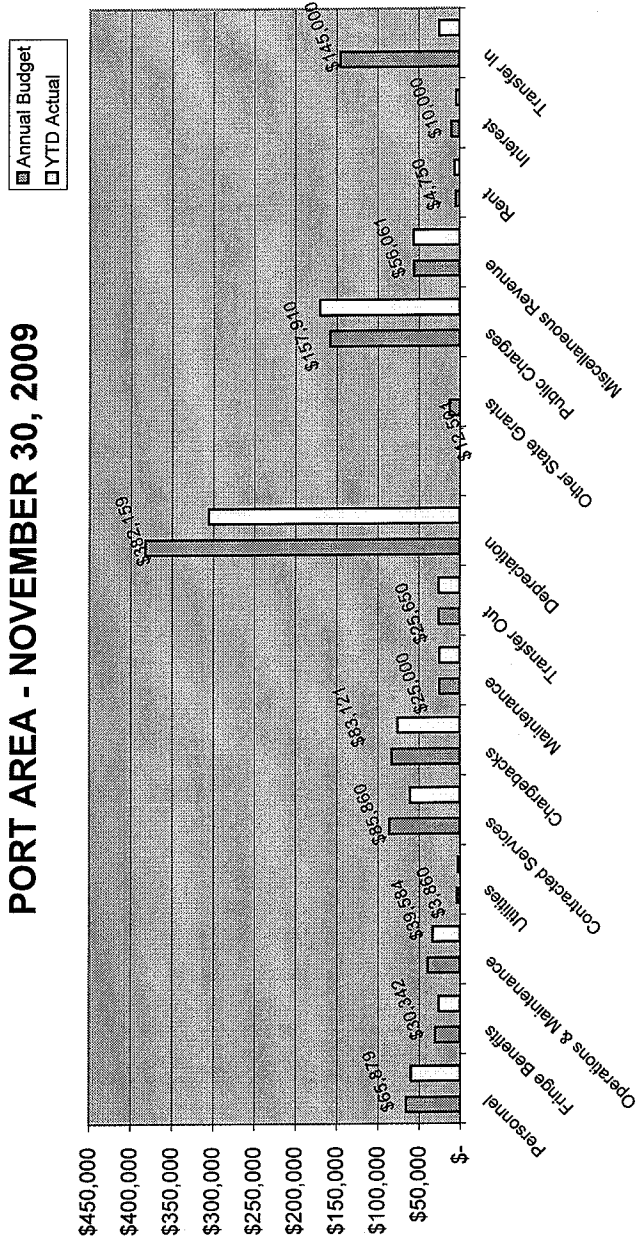
	Annual Budget	YTD Actual
Personnel	\$ 65,879	\$ 60,051
Fringe Benefits	\$ 30,342	\$ 26,186
Operations & Maintenance	\$ 39,584	\$ 33,615
Utilities	\$ 3,860	\$ 2,914
Contracted Services	\$ 85,860	\$ 60,866
Chargebacks	\$ 83,121	\$ 75,882
Maintenance	\$ 25,000	\$ 25,000
Transfer Out	\$ 25,650	\$ 25,596
Depreciation	\$ 382,159	\$ 305,429
Other State Grants	\$ 12,501	\$ -
Public Charges	\$ 157,910	\$ 170,259
Miscellaneous Revenue	\$ 56,061	\$ 56,361
Rent	\$ 4,750	\$ 6,251
Interest	\$ 10,000	\$ 4,035
Transfer In	\$ 145,000	\$ 25,000

**HIGHLIGHTS:**

**Expenses:** Expenses have increased due to receiving and spending for a Port Security Grant, development efforts at the Bysby property and dredged material management at Bay Port Dredged Material Disposal Facility.

**Revenues:** Revenues have increased as a result of increased Tipping Fees for dredged material disposal at Bay Port, Bysby property rent and the Port Security Grant.

**PORT AREA - NOVEMBER 30, 2009**





Brown County  
Port & Solid Waste  
Solid Waste Area Budget Status Report  
10/31/2009

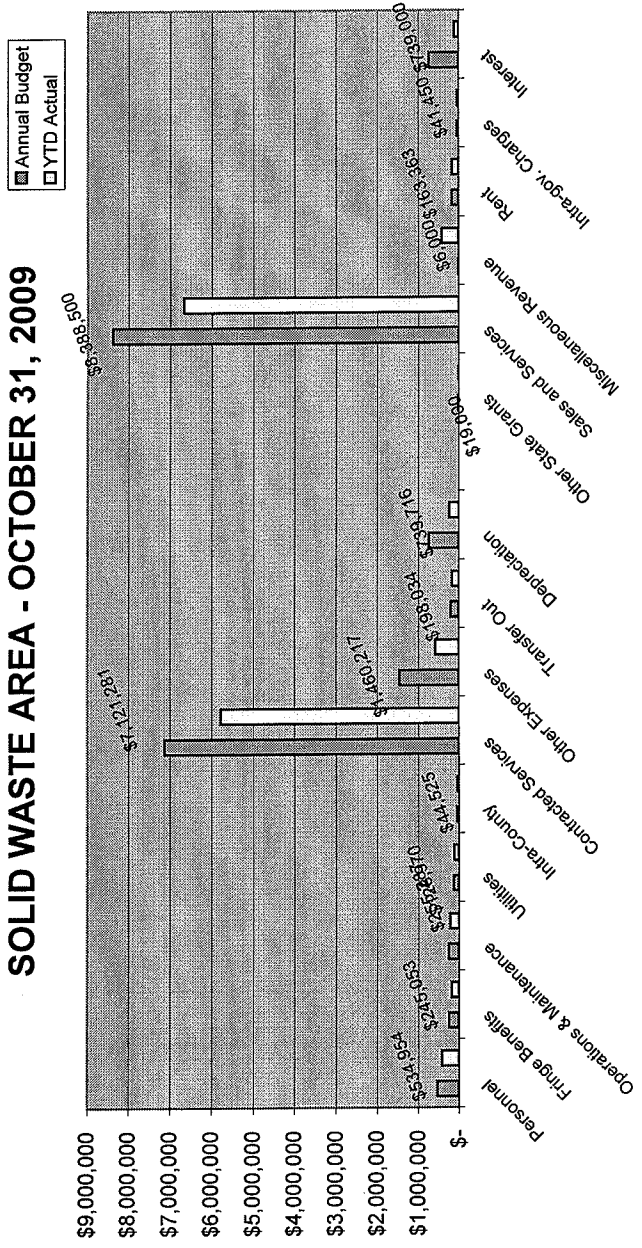
	Annual Budget	YTD Actual
Personnel	\$ 534,954	\$ 423,521
Fringe Benefits	\$ 245,053	\$ 182,819
Operations & Maintenance	\$ 255,287	\$ 217,388
Utilities	\$ 128,970	\$ 121,264
Intra-County	\$ 44,525	\$ 36,124
Contracted Services	\$ 7,121,281	\$ 5,778,970
Other Expenses	\$ 1,460,217	\$ 581,769
Transfer Out	\$ 198,034	\$ 165,028
Depreciation	\$ 739,716	\$ 238,495
Other State Grants	\$ 19,000	\$ 8,149
Sales and Services	\$ 8,388,500	\$ 6,663,331
Miscellaneous Revenue	\$ 6,000	\$ 415,601
Rent	\$ 163,363	\$ 161,619
Intra-gov. Charges	\$ 41,450	\$ 34,017
Interest	\$ 739,000	\$ 110,735

**HIGHLIGHTS:**

Expenses: Vehicle and Grounds Repairs are up due to MRF Front End Loader and building. LF Closure activities have just begun. Recycling market have lowered the amount the County reimburses to recycling customers in Other Expenses.

Revenues: Sales of Recyclables has been low due to poor markets. 2008 BOW LF and Recycling Audit results in \$317,000 reimbursement under Misc. Revenue. Interest is lower than forecast in the 2009 Budget.

**SOLID WASTE AREA - OCTOBER 31, 2009**



Brown County  
Port & Solid Waste  
Solid Waste Area Budget Status Report  
11/30/2009

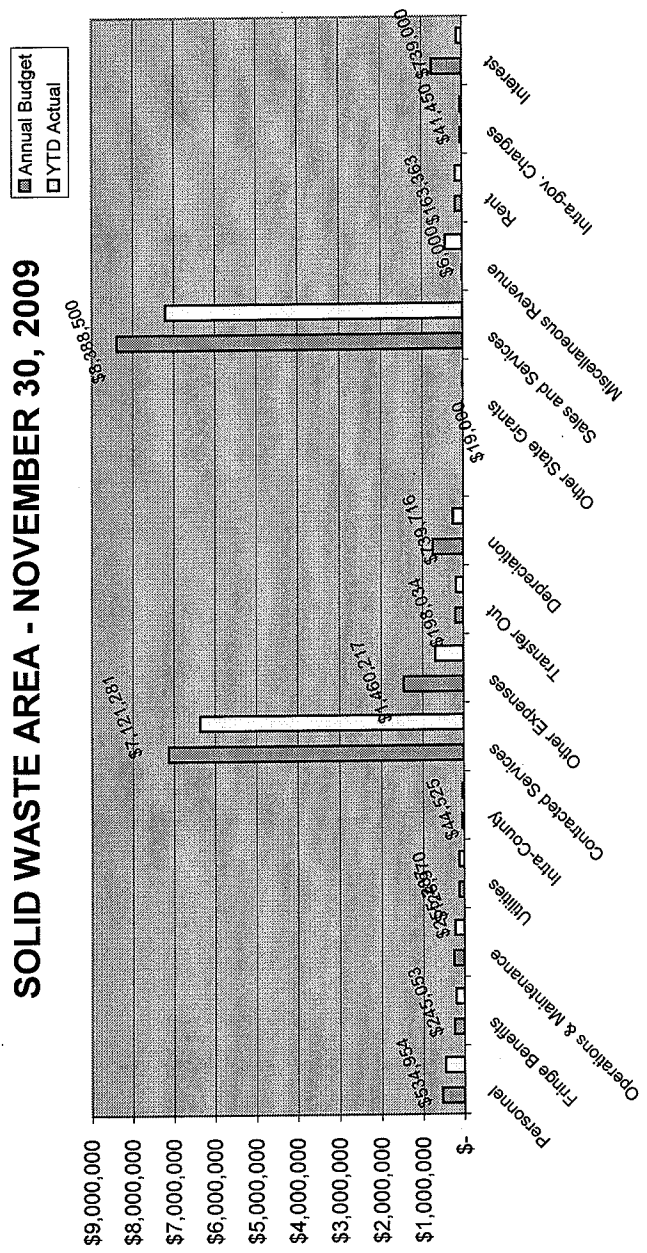
	Annual Budget	YTD Actual
Personnel	\$ 534,954	\$ 463,284
Fringe Benefits	\$ 245,063	\$ 202,017
Operations & Maintenance	\$ 255,287	\$ 229,756
Utilities	\$ 128,970	\$ 129,068
Intra-County	\$ 44,525	\$ 39,477
Contracted Services	\$ 7,121,281	\$ 6,361,661
Other Expenses	\$ 1,460,217	\$ 688,369
Transfer Out	\$ 198,034	\$ 181,531
Depreciation	\$ 739,716	\$ 254,164
Other State Grants	\$ 19,000	\$ 8,149
Sales and Services	\$ 8,388,500	\$ 7,205,815
Miscellaneous Revenue	\$ 6,000	\$ 420,406
Rent	\$ 163,363	\$ 161,619
Intra-gov. Charges	\$ 41,450	\$ 37,419
Interest	\$ 739,000	\$ 125,096

**HIGHLIGHTS:**

Expenses: Vehicle and Grounds Repairs are up due to MRF Front End Loader and building. LF Closure activities have just begun. Recycling market have lowered the amount the County reimburses to recycling customers in Other Expenses.

Revenues: Sales of Recyclables has been low due to poor markets. 2008 BOW LF and Recycling Audit results in \$317,000 reimbursement under Misc. Revenue. Interest is lower than forecast in the 2009 Budget.

**SOLID WASTE AREA - NOVEMBER 30, 2009**



# BID TABULATION RECORD

PROJECT NAME: REPAIRS AT THE MRF (PUSH WALL)

PROJECT # 1393 SEALED BID

BUYER - DCD

DUE DATE & TIME : JANUARY 13, 2010 AT 11:00 AM (COUNTY CLERK)

OPENING DATE & TIME: January 13, 2010 AT 11:00 AM

CONTRACTOR	Base Bid 12' Wall	Base Bid 10' Wall	Base Bid Add 6'	Option 1 Ret. Wall	Option 2 Floor Repair	Total Add 6' + 1 + 2
United Construction	\$ 35,080.00	\$ 29,232.00	\$ 19,539.20	\$ 9,876.00	\$ 7,568.00	\$ 36,983.20
Oudenhoven Construction	no bid	no bid	\$ 19,379.00	\$ 8,850.00	\$ 13,516.00	\$ 41,745.00
Wiegert Enterprises	\$ 41,923.00	\$ 40,533.00	\$ 21,175.00	\$ 8,505.00	\$ 14,816.00	\$ 44,496.00
Zeise	no bid	no bid	\$ 25,861.00	\$ 3,104.00	\$ 17,313.00	\$ 46,278.00
IEI	no bid	no bid	\$ 26,800.00	\$ 3,100.00	\$ 18,400.00	\$ 48,300.00
Schuh Construction	no bid	no bid	\$ 26,488.00	\$ 7,900.00	\$ 14,560.00	\$ 48,948.00
ETM Construction	\$ 32,400.00	\$ 29,400.00	\$ 34,340.00	w/ base	\$ 15,000.00	\$ 49,340.00
Barron Enterprises	no bid	no bid	\$ 23,650.00	\$ 7,850.00	\$ 19,200.00	\$ 50,700.00
* Best Built, Inc.	\$ 53,933.85	\$ 53,000.00	no bid	\$ 18,868.75	\$ 17,791.00	
Quasius	\$ 78,840.00	\$ 74,680.00	no bid	\$ 12,770.00	\$ 15,860.00	

\* Note: Vendor acknowledged addendum 1 but did not use the new cost sheet that was included in addendum 1.  
Only change to price sheet was adding "Base Bid Add 6' "

# BROWN COUNTY PORT AND SOLID WASTE DEPARTMENT

2561 SOUTH BROADWAY  
GREEN BAY, WI 54304

CHARLES J. LARSCHIED

PHONE (920) 492-4950 FAX (920) 492-4957

PORT AND SOLID WASTE DIRECTOR

## MEMORANDUM

To: Solid Waste Board  
Administration Committee  
Planning, Development and Transportation Committee  
From: Charles J. Larscheid – Port and Solid Waste Director  
Date: January 13, 2010  
Re: Waste Gasification Project Contract Guidance

Brown County staff and representatives of the Oneida Seven Generations (OSG) Corporation have discussed a project to produce electricity from solid waste. OSG proposes to construct a waste gasification facility on Oneida tribal property adjacent to Brown County's West Landfill/Waste Transfer Station. It will utilize solid waste from Brown County's solid waste management system and landfill gas from Brown County's closed West landfill to fuel the operation. The project will be financed, designed, constructed and operated by the OSG Corp.

Brown County will make available some portion of its solid waste or garbage to fuel the OSG Waste Gasification Facility. The amounts and type of solid waste needed has yet to be finalized but may start at approximately 150 tons per day. Landfill gas produced from decomposing waste contained in the closed West Landfill is currently collected and flared (burned). There have been a number of potential beneficial uses investigated for the gas but none have been pursued. The OSG Waste Gasification Facility proposes to use the landfill gas as an additional fuel source.

Brown County Corporation Counsel and Purchasing Department have advised us that this project should be exempt from County bidding or RFP requirements. This is because Brown County's main role in the project will be selling a commodity (solid waste and landfill gas) to the project. Because of the potential revenue involved, the length of the project and impact on the Port and Solid Waste Department, the final negotiated contract for the project must be approved by Resolution by the Solid Waste Board and County Board. We seek to get the Corporation Counsel's opinion on the approval strategy confirmed by the Solid Waste Board and committees of the County Board of Supervisors.

**The staff is thereby seeking guidance from the County Solid Waste Board, Administration Committee and Planning, Development & Transportation Committee on its ability to negotiate a contract with Oneida Seven Generations Corp. to participate in the Waste Gasification Project. The negotiated contract will be brought back to the oversight Committees for final approval.**

## BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input type="checkbox"/> Category 2	<input type="checkbox"/> a. Change in Outlay not requiring the reallocation of funds from another major budget classification. <input type="checkbox"/> b. Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Executive County Board
<input type="checkbox"/> Category 3	<input type="checkbox"/> a. Reallocation between budget classifications other than 2b or 3b adjustments. <input type="checkbox"/> b. Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Executive County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input checked="" type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	650.078.001.9002	Port Transfer In	\$438,042
<input checked="" type="checkbox"/>	<input type="checkbox"/>	652.078.001.9003	Harbor 217 Transfer Out	\$438,042

## Narrative Justification:

2009

The Brown County Port and Solid Waste Department's Port Area Section 217 Fund receives reimbursement from the US-Corps of Engineers for activities associated with siting, construction, operation, closure and long term maintenance of the Bay Port Dredged Material Disposal Facility. The reimbursed funds are transferred to Port Unrestricted cash to pay expenses incurred by the Port Area's activities in the above mentioned areas. Since 1998, insufficient funds have been transferred from 217 to Port to cover these expenses. Because of that, the Port has run a deficit for most years and the expenses have been misallocated from the Solid Waste unrestricted Cash. This Budget adjustment will remedy that deficit and allocate the funds to the area they were intended for when reimbursed to Brown County. The transfer includes funds to cover the cash deficit as of 12/31/08 of \$433,494 and \$4,548 to cover Port's outstanding liabilities as of 12/31/08.

## AUTHORIZATIONS

Signature of Department Head: [Signature]  
 Department: Port and Solid Waste  
 Date: January 15, 2010

Signature of Executive: [Signature]  
 Date: 1/15/10

# BROWN COUNTY PORT AND SOLID WASTE DEPARTMENT

2561 SOUTH BROADWAY  
GREEN BAY, WI 54304

CHARLES J. LARSCHIED

PHONE (920) 492-4950 FAX (920) 492-4957

PORT AND SOLID WASTE DIRECTOR

## MEMORANDUM

To: Brown County Solid Waste Board  
From: Charles J. Larscheid – Port and Solid Waste Director  
Date: November 6, 2009  
Re: BOW (Brown, Outagamie and Winnebago County) Cooperative Landfill Plan and Brown County South Municipal Landfill Development Schedule Update

Brown County successfully sited its future South Municipal Landfill in 1998. In 2002, Brown, Outagamie and Winnebago Counties signed the BOW Solid Waste Partnership Agreement. As a part of this Agreement, a Cooperative Landfill Plan was written that requires each County to develop and provide landfill capacity for itself and to the other Partner Counties. One landfill will be operated for use of the Partner Counties over the 25 year life of the Agreement.

The BOW Solid Waste Partnership Agreement has been in force for 7 years. This is an update to the BOW Cooperative Landfill Plan and to Brown County's South Municipal Landfill Development Schedules.

### I. BOW (Brown, Outagamie & Winnebago) Cooperative Landfill Plan

#### A. Winnebago Sunnyview Landfill (4M tons). 2005 – 2011

The Winnebago County Landfill is the current landfill used by the BOW Partnership. It receives approximately 655,000 tons per year of waste and alternative daily cover for placement in the landfill. That is approximately 23% greater than the 2002 BOW Cooperative Plan anticipated. The Winnebago County Landfill is expected to fill to capacity and to close in mid-2011, approximately 6 months earlier than the Plan anticipated.

#### B. Outagamie Northeast Landfill (6M tons). 2011 – 2020

The Outagamie county Northeast Landfill Expansion has just received WI DNR Feasibility Plan approval. Next the County will seek approval for the Plan of Operation. Upon receiving approval, it will commence construction and licensing prior to opening. This schedule should enable the Northeast Expansion to be licensed and available for BOW use in mid-2011 when the Winnebago County Landfill closes.

At the current waste tonnage generated by the BOW Partnership for disposal, the lifespan of the Outagamie Northeast Landfill may last 9 years or until 2020. While annual tonnage is higher than the 2002 Landfill Plan estimated, the landfill capacity was increased an additional 1.5M tons over Plan estimates.

#### C. Brown County South Landfill (5.2M tons). 2020 – 2028

The Brown County South Municipal Landfill has an approved Feasibility Plan, an approved Plan of Operation and an approved Host Landfill Agreement with the Town of Holland. According the landfill schedule laid out in the Cooperative Landfill Plan, the South Landfill needs to be licensed for BOW use by 2020.

At the current waste tonnage delivered by the BOW Partnership, the lifespan of the Brown County South Municipal Landfill may last 8 years or until 2028.

D. Future BOW Landfill. 2016 – 2018

The 2002 BOW Intergovernmental Solid Waste Agreement anticipated the need to address the future BOW disposal needs at the end of the term of the Agreement. The term is 25 years or the end of Brown County's South Landfills site-life anticipated at 2028. A review of the Agreement's Cooperative Landfill Plan is to be done and approved by the governing bodies of each County during the 14<sup>th</sup> year of the initial term or 10 years prior to the closing of the Brown County South Landfill. That would be 2016 – 2018. That will give the BOW Partnership Counties the ability to renew the Agreement for another term and site the next landfill or time to disband and seek other disposal capacity or site their own landfills.

II. Brown County South Landfill Construction and Approval Plan

A. Approvals

a. Plan of Operation Modification. 2017

We estimate that the existing Plan of Operation will need to be re-approved by the DNR because of the lapsed time since original approval. The Plan of Operation mostly concerns landfill and site design. It is expected to take 6 – 8 months to modify the Plan, submit it to the DNR and get approval. A consulting engineering firm will need to be retained to produce the Plan. We don't anticipate difficulty getting it approved.

b. Feasibility Study

We don't anticipate the need to re-submit the Feasibility Study for re-approval by the DNR.

c. Licensing. 2020

Licensing the South Landfill upon completion of construction is expected to take 2 -3 months. A consulting engineering firm will need to be retained to produce the License application. We don't anticipate difficulty being granted a License from the DNR for South Municipal Landfill operation.

d. Landfill Siting Agreement

In December 1998, Brown County and the Town of Holland Landfill approved a Landfill Siting Agreement for the Brown County South Municipal and/or Industrial Landfill. Upon beginning operation of the Municipal Landfill, provisions of the Landfill Siting Agreement will be in effect. Prior to that time, a number of requirements must be satisfied by Brown County. They include:

- i. The Town of Holland must be copied with a Plan of Operation Modification within 30 days of submittal to the DNR.
- ii. Prior to landfill operation, Baseline Groundwater Quality Evaluation must be determined for 6 adjacent property drinking water wells. (Completed)
- iii. Advance Direct Payment of \$200,000 must be made to the Town of Holland. (Completed)
- iv. An annual In Lieu of Tax payment of \$6,525 must be made to the Town of Holland.

B. Construction

a. Cell Excavation and Site Work. 2018

Landfill cell excavation and site work is expected to take at least one construction season. Some roads, ditching and cell excavation has already been performed.

b. Cell 1 Liner and Leachate Line Construction. 2019

Landfill Cell 1 liner and leachate line construction is expected to take at least one construction season. Provisions must be made to protect the liner over winter if it a layer of garbage is not placed upon it.

### C. Financing

Construction costs for the South Landfill are taken from 10 year old Robert E. Lee engineering estimates but generally adjusted for cost of living increases since then. These estimates need to be revised.

- a. Phase Construction Fund - The Fund provides funds for construction of each landfill cell and liner. It has also been used to fund transfer station construction and equipment purchase.
  - i. Expected December 31, 2009 Fund total = \$2,684,085.
  - ii. Future Transfer In from Gas to Energy Project (Capital repayment and Interest) \$4,885,000.
  - iii. Anticipated Fund total in 2018 (\$2009) = \$7,569,085.
  - iv. Anticipated South Landfill site work and Cell 1 construction cost (\$ 2009) = \$4,125,740
- b. Land Acquisition Fund - The Fund provides funds for landfill or transfer station siting, purchasing land and initial site development.
  - i. Expected December 31, 2009 total = \$509,366.
  - ii. Anticipated TS Settlement to Hobart = \$66,667.
  - iii. Potential Property protection appraisals for Hobart and Holland = \$150,000.
  - iv. Potential South LF Adjacent property payments/acquisition = \$292,699.
- c. Closure Fund – The Fund pays for the cost to place a cap on each landfill cell, to close the landfill site and to augment Long Tern Care Fund short fall.
  - i. Expected December 31, 2009 total = \$7,976,575.
  - ii. Anticipated annual funding to supplement Brown County East and West Landfills Long Term Care Funds = \$300,000.
  - iii. Estimated additional funding needed for East & West LF LTC costs = \$5,128,375.
  - iv. Anticipated cost to close South Landfill Cell 1 = \$1,306,976.

### III. Conclusion

- A. Before 2016 - hold a meeting at the Town of Holland to review the Brown County South Municipal Landfill Siting Agreement, the BOW Cooperative Landfill Plan and the South Municipal Landfill development plan.
- B. 2016 - Retain a consulting engineer to refigure South Landfill permitting, site work and Cell 1 development costs.
- C. 2016 – Begin discussion with the BOW Partnership about the future of the BOW Solid Waste Partnership and future landfill capacity siting.
- D. 2017 – Revise and submit South Municipal Landfill Plan of Operation to DNR for Approval.
- E. 2018 – South Municipal Landfill Cell 1 Excavation and Site Work.
- F. 2018 – Begin siting next BOW/Brown County Municipal Landfill.
- G. 2019 – South Municipal Landfill Cell 1 Liner and leachate line construction.
- H. 2019 – Receive South Municipal Landfill Operating License.
- I. 2020 – Hire landfill contractor.
- J. 2020 – Open South Municipal landfill.



# **Request for Proposal (RFP)**

**Airport Marketing Program Project  
Consultant Services**

**Project # 1396**



**Response Deadline**

**March 15, 2010  
2:00 p.m. Local Time**

**To:**

**Brown County Purchasing Department**

**STAFF REPORT TO THE  
BROWN COUNTY BOARD OF SUPERVISORS  
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

---

**Progress on the  
CTH GV Reconstruction Project Study**

Brown County Planning Commission and Highway Department  
January 25, 2010

The following tasks were completed between December 21, 2009, and January 19, 2010, for the CTH GV Reconstruction Project Study:

**Examine the land uses that are planned for the project corridor.**

- Brown County Planning Commission (BCPC) staff is continuing its examination of the area's land use plans to estimate future traffic volumes, trip origins, and trip destinations.

**Identify the amount of developable land for each parcel along the project corridor.**

- BCPC staff continues to work with the communities to complete this task.

**Use the developable land, planned land use, and other information to calculate appropriate assessments for property owners along the project corridor.**

- Bellevue and Ledgeview continue to consider assessment options for the corridor.

**Identify the sections of CTH GV that require patching or other spot improvements prior to the reconstruction project.**

- The Highway Department is in the process of identifying and fixing sections of CTH GV that require patching or other spot improvements.

**Proceed with right-of-way acquisition and utility installation along the east side of the CTH GV corridor and around the CTH G intersection.**

- The design for the roundabout at the CTH GV/CTH G intersection is currently being reviewed by the Wisconsin Department of Transportation (WisDOT). After this review is finished, the Brown County Highway Department will finalize the roundabout's design and begin acquiring right-of-way at the intersection. The Highway Department will also acquire additional right-of-way along CTH GV after the corridor's design is finalized.

**Identify the likely location of a new Fox River bridge and street/highway corridor through the Environmental Impact Statement (EIS) process.**

- BCPC staff met with representatives of WisDOT to discuss reducing the number of EIS alignment/facility alternatives from 22 to approximately five. This alternative reduction process is nearly finished, and BCPC staff expects to know very soon which alternatives will be presented to the Cooperating Agencies, EIS Stakeholder Committee, and the public as the alternatives that will be studied to determine a preferred project alternative.
- BCPC staff intends to make a presentation about the status of the EIS at the next meeting of the BCPC Board of Directors. This meeting will be held at 6:30 p.m. on Wednesday, February 3, 2010, at the Green Bay Metro Transportation Center (901 University Avenue in Green Bay).

**Apply for and receive the necessary permits from the appropriate state and federal environmental agencies.**

- The Brown County Highway Department will apply for the permits as the highway is being designed.

**Determine if the reconstructed highway should be four lanes or if another design would be more appropriate.**

- This task will be completed at the end of the study.

**Monitor the progress of the FEMA floodway/floodplain mapping project and use this information to finalize the highway's design.**

- The FEMA floodway/floodplain mapping project is finished, and this information will be used by the Highway Department to finalize the highway's design.

A chart showing staff's progress between December 21, 2009, and January 19, 2010, is attached to this report.

**Status of CTH GV Reconstruction Project Study Tasks: January 25, 2010**

<u>Status</u>	<u>Task</u>	<u>Responsible Parties</u>	<u>March 2009</u>	<u>April 2009</u>	<u>May 2009</u>	<u>June 2009</u>	<u>July 2009</u>	<u>August 2009</u>	<u>Sept. 2009</u>	<u>Oct. 2009</u>	<u>Nov. 2009</u>	<u>Dec. 2009</u>	<u>Jan. 2010</u>
Completed	Receive written postponement agreements from Bellevue and Ledgewick.	BCPC, Bellevue, & Ledgewick											
Completed	Consult with WisDOT concerning use of CTH GV as detour during STH 172 project.	BCPC & BC Highway											
In Progress	Examine the land uses planned for CTH GV corridor.	BCPC, Bellevue, & Ledgewick											
In Progress	Identify the amount of developable land for each parcel along CTH GV corridor.	BCPC, Bellevue, & Ledgewick											
In Progress	Calculate appropriate assessments for property owners along CTH GV corridor.	Bellevue & Ledgewick											
In Progress	Identify sections of CTH GV that require patching or other spot improvements.	BC Highway											
Starting Soon	Proceed with ROW acquisition and utility installation.	BC Highway											
In Progress	Identify likely location of new Fox River bridge & street/highway corridor through EIS process.	BCPC											
Starting Soon	Apply for and receive permits from state and federal environmental agencies.	BC Highway											
At End of Study	Determine if design of CTH GV should continue to be four lanes.	BCPC, BC Highway, Bellevue, & Ledgewick											
At End of Study	Use completed FEMA floodway/floodplain maps to finalize design of CTH GV.	BC Highway											



# United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
Reston, VA 20192



JAN 6 2010

In Reply Refer To:  
Mail Stop 205

Tom Hinz  
Brown County Wisconsin  
305 East Walnut Street, 6<sup>th</sup> Floor  
Green Bay, WI 54301

Reference: The National Map: Imagery and Elevation Maps under the American Recovery and Reinvestment Act – Program Announcement 10HQA0014 – Proposal No. NM-ARRA-0030

Dear Mr. Hinz:

Congratulations, your proposal submitted in response to Program Announcement No. 10HQA014 for The National Map: Imagery and Elevation Maps under the American Recovery and Reinvestment Act has been recommended for award at the full funding amount of \$251,666.00. A copy of the Standard Form 424, Application for Federal Assistance, that identifies this proposal, is enclosed along with a copy of the panel evaluation summary for this proposal.

A more detailed budget for the services/consultants is required. The Program Announcement required the following level of detail for the budget:

Services or consultants. Identify the tasks or problems for which such services would be used. List the contemplated sub-recipients by name (including consultants), the estimated amount of time required, and the quoted rate per day or hour. If known, state whether the consultant's rate is the same as she/he has received for similar services or under government contracts or assistance awards.

Lastly, a copy of your most recent negotiated rate agreement must be provided in support of fringe benefits, G&A, and indirect cost rates proposed in your submission. The above documents must be submitted within 10 days of the date of this letter. They can be e-mailed to me at [mrussell@usgs.gov](mailto:mrussell@usgs.gov). Failure to provide a timely response may jeopardize a timely award.

Of the 50 proposals reviewed under this Announcement, the USGS will fully fund 21 proposals, partially fund four proposals, will decline to fund three proposals due to a lack of sufficient funds, and will decline to fund 22 proposals that were not recommended for funding by the peer panel.

This notification is not a letter of commitment. The U. S. Geological Survey is not liable for any costs incurred prior to the signing of your award by a Contracting Officer. A Contracting Officer will hold discussions with your institution before your grant award start date. Your requested grant award start date will be determined during discussions between your institution's representative and the Contracting Officer.

If you require additional information the Contracting Officer can be reached at 703/648-7366 or by e-mail at [mrussell@usgs.gov](mailto:mrussell@usgs.gov).

or Don Cash 648 7366  
cheri

Sincerely,



Margaret Eastman  
Contracting Officer

"Maggie"

cc: PI: Jeff DuMez  
Brown County Wisconsin  
305 East Walnut Street, 6<sup>th</sup> Floor  
Green Bay, WI 54301

Teresa Dean, MS511

**DRAFT 1/25/10**  
**AGREEMENT**  
**BROWN COUNTY AND ADVANCE**  
**ECONOMIC DEVELOPMENT REVOLVING LOAN FUND**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between Brown County, Wisconsin, a municipal corporation, herein after referred to as "County" and Advance, a division of the Green Bay Area Chamber of Commerce Foundation with its offices at 2701 Larson Rd., Green Bay, WI 54303, referred to as "Advance."

WITNESSETH:

WHEREAS, the County has available certain funds received from the U.S. Department of Housing and Urban Development for various purposes under the Wisconsin Department of Commerce Community Development Block Grant (CDBG) Program; and

WHEREAS, the County desires to continue an Economic Development Revolving Loan Program to stimulate private investment resulting in the creation and retention of jobs for low and moderate income persons to benefit from an improving economy; and

WHEREAS, one of the objectives of the CDBG Program is to strengthen and diversify the County's economic base by promoting business development primarily to allow low and moderate income persons to benefit from an improving economy; and

WHEREAS, Advance is a non-profit organization duly organized to undertake community activities and promote economic development and has demonstrated its ability to successfully administer, under appropriate regulations and with the advice of public officials of Brown County, various economic development programs; and

WHEREAS, the County is willing to make available funds from its CDBG Program for the purpose of supporting the Economic Development Revolving Loan Fund Program.

NOW, THEREFORE, IT IS AGREED THAT

1. The County hereby contracts with Advance to assist the County in the marketing, promotion, packaging, and administrative support of the Economic Development Revolving Loan Program for unemployed and other low and moderate-income persons hereinafter referred to as "RLF Program" currently operated by the County. Services to be provided by Advance shall be conducted until such time as the County or Advance terminate this Agreement.

It is agreed that as Advance will perform the functions as referenced in Exhibit A attached hereto shall be met by good faith compliance with the procedural standards set forth in the revised *Brown County Economic Development Revolving Loan Fund Manual* attached hereto as Exhibit A.

2. Advance will establish procedures to ensure compliance with applicable federal laws and administrative regulations including:
  - a. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the grounds of race, color, or national origin in loan programs and activities (recipients) receiving federal financial assistance and furthers fair housing.
  - b. Federal Executive Order 11246, which requires non-discrimination in employment for federally assisted contracts and ensures that contractors are fully informed of affirmative action requirements.
  - c. Section 3 of the Housing and Community Development Act of 1968, which provides, to the extent feasible, that opportunities for training and employment shall be given to lower income residents of HUD-assisted project areas and that contracts for work in connection with such projects be awarded to business concerns which are located in or owned in substantial part by project area residents.
  - d. Section 504 of the Rehabilitation Act of 1973 and the Federal Age Discrimination Act of 1975, as amended.
  - e. Section 109 of the Housing and Community Development Act of 1974, a non-discrimination clause which states: "No person in the United States shall, on the grounds of race, color, national origin, or sex, be denied the benefits of or be subjected to discrimination of any program or activity funded in whole or in part with funds available under this title."
  - f. Office of Management and Budget (OMB) Circular A-110, which in part provides that the financial management systems operated by recipients of federal assistance shall provide for current reliable and complete disclosure of financial and accounting records related to the use of federal dollars. All records shall identify the source and application of funds for grant-supported activities, and accounting records are to be made available for audit(s) at the discretion of the County at not less than once per year to determine the fiscal integrity of financial transactions and performances. Advance will give the U.S. Department of Housing and Urban Development, the Wisconsin Department of Commerce, and Brown County, or any authorized representatives of the County, access to and the right to examine all records, books, papers, and documents related to the grant and grant activities. Such records shall be maintained for a period of three (3) years after the receipt of federal funds. Brown County shall bear the costs associated with audit reports.
  - g. Office of Management and Budget (OMB) Circular A-122, "Cost Principles for Non-Profit Organizations," which establishes principles for determining costs of grants, contracts, and other agreements with non-profit organizations. These regulations are applicable for determining acceptable/allowable costs of work performed by non-profit organizations. For example, to be allowed under an award, costs must meet general criteria, such as: 1) be reasonable for the performance of the award, 2) be accorded consistent treatment, 3) be determined in accordance with generally accepted accounting principles, and 4) be adequately documented.
  - h. The Conflict of Interest provisions that no person who is an employee, agent, employee of Advance, consultant, officer, or elected official or appointed official of the County, except for approved and applicable eligible administrative or



personnel costs who exercises or who has exercised any functions or responsibilities with respect to such funds being provided by the County or are in a position to participate in a decision-making process or gain inside information with regard to such activities, shall obtain a personal or financial interest or benefit from the project or have any interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereof, either for themselves or with those with whom they have family or business ties, during their tenure or for one year thereafter.

- i. Fair Labor Standards Provisions, which governs responsibilities for workers employed in connection with federally assisted construction projects and, in some cases, costs associated with installation of equipment. Statutory provisions include:
  - i. Davis-Bacon Act (40 U.S.C. 276a-5), which contains minimum wages (basic rate of pay), fringe benefits, and wage withholding.
  - ii. Contract Work Hours and Safety Standards Act (U.S.C. 327-333) provides that work in excess of eight (8) hours per day or 40 hours per week shall be compensated for at a rate not less than one and one half (1-½) times the basic rate of pay.
  - iii. Copeland Act (Anti-Kickback Act) (U.S.C. 276c) makes it an offense for any person to include any person employed in the construction or repair of any public work financed in whole or in part by federal loans or grants to give up any part of the compensation to which he or she is entitled under the contract of employment.
  - iv. Fair Labor Standards Act (29 U.S.C. 102 et seq.) provides for minimum wages for construction workers, overtime pay, record keeping, and child labor standards.
- j. Environmental Regulations (24 CFT Part 58), conducting environmental reviews on prospective developments, determining the proposed project's effect on the natural and human environments, and receiving a release of grant conditions from the U.S. Department of Housing and Urban Development prior to obligating or expending federal funds on proposed activities.

It is understood that Advance's compliance monitoring will primarily rely upon self-reporting by the debtor, including quarterly (unaudited) financial statements and compliance certificates and annual (audited or CPA-reviewed unless waived) financial statements. Advance shall conduct physical site inspections or audit investigations other than as actually conducted in Advance's sole determination or the annual site inspection required by the Department of Commerce regulations.

3. This agreement may be terminated as follows:
  - a. During the first year of this Agreement, either party may terminate this Agreement only for cause. Beginning with the second year of this Agreement, either the County or Advance may terminate this Agreement for any reason or for no reason, by giving six (6) months written notice to the other party of its intent to terminate the Agreement, and Advance shall, within ten (10) days after expiration of such notice, submit all records, and accounts receivable to the County; or

- b. In addition to termination, the County may take appropriate and corrective action in order to ensure compliance with this Agreement, including an order to audit Advance records pertaining to its activities and the utilization of state or federal funds.
4. Nothing contained herein nor any act of the County, Advance, or any other party shall be deemed or construed by any party or by any other third person to create any relationship with third party beneficiary, principal, or agent, limited or general partnership, or joint venture, or of any association or relationship involving the County. Advance is at all times considered an independent agency and not an agency of the County.
5. Advance shall provide reports every six (6) months covering the periods of April 1 to September 30<sup>th</sup> and October 1 to March 31<sup>st</sup> of each year for the term of the project, except that an initial report shall be provided to the County three (3) months after the date this Agreement is executed. The reports shall provide all information and data concerning the activities that are being accomplished and the progress that is being achieved. Such information shall include names of corporate clients, type and nature of financed activity or project, number of permanent and temporary full- and part-time low- and moderate-income jobs created, documentation (skilled and unskilled placements and salary levels) of those positions, and all business loan information, including loan principal, interest, all terms and conditions, and special provisions outside of customary and standard underwriting and mortgage financing practices, and amounts of program income.
6. Should any part of this Agreement be declared invalid, such decision shall not affect the validity of each remaining portion; it is hereby declared the intention of the parties that they would have executed each portion of this Agreement without reference to any other portion of this Agreement.
7. Advance will receive no monetary compensation for services provided under this agreement.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals the day and year first above written.

Brown County

Advance

---

Tom Hinz  
Brown County Executive

---

Fred Monique, Vice President  
Economic Development

---

Darlene Marcelle  
Brown County Clerk

**Exhibit "A"**

**Brown County Economic Development Revolving Loan Fund Manual**

**BROWN COUNTY**

**BROWN COUNTY ECONOMIC DEVELOPMENT REVOLVING LOAN FUND  
MANUAL**

**Prepared by the:**

**Brown County Planning Commission  
305 E. Walnut St.  
Green Bay, Wisconsin 54301  
(920) 448-6480**

**Administered in part by:**

**Advance  
2701 Larson Rd.,  
Green Bay, WI 54303  
(920) 496-2118  
Fax: (920) 496-6009**

**Using**

**Community Development Block Grant Funds**

## TABLE OF CONTENTS

FOREWORD .....	1
SECTION 1. GENERAL PROVISIONS.....	1
1.1 PURPOSE .....	1
1.2 OBJECTIVES .....	1
1.3 AMENDMENTS AND MODIFICATIONS .....	2
SECTION 2. ADMINISTRATION .....	2
2.1 ADMINISTRATION OF THE REVOLVING LOAN FUND .....	2
2.2 LOAN REVIEW BOARD .....	2
2.3 MEETINGS .....	3
2.4 RECORDS .....	3
2.5 ADMINISTRATION .....	5
SECTION 3. ELIGIBILITY CONSIDERATIONS.....	5
3.1 ELIGIBLE AREA .....	5
3.2 ELIGIBLE APPLICANTS .....	6
3.3 ELIGIBLE ACTIVITIES .....	6
3.4 INELIGIBLE ACTIVITIES .....	6
3.5 INELIGIBLE BUSINESSES .....	7
3.6 MINIMUM REQUIREMENTS.....	7
SECTION 4. TERMS AND CONDITIONS .....	8
4.1 TERMS AND CONDITIONS .....	8
SECTION 5. APPLICATION PROCEDURES.....	8
5.1 DISCUSSION OF REQUIREMENTS .....	8
5.2 TIMING .....	9
5.3 PRIORITY .....	9
5.4 LOAN APPLICATION .....	9
5.5 REVIEW PROCESS.....	10
SECTION 6. DISTRIBUTION OF FUNDS.....	11
6.1 LOAN PROCEDURES .....	11
SECTION 7. POST APPROVAL REQUIREMENTS .....	12
7.1 OBLIGATION OF LOAN RECIPIENT .....	12
SECTION 8. PERFORMANCE MONITORING .....	13
8.1 PRIVATE LEVERAGE COMMITMENTS.....	13
8.2 HIRING OF NEW EMPLOYEES.....	13
8.3 DEFAULT .....	13
SECTION 9. USE OF LOAN REPAYMENTS AND REPORTING .....	14
9.1 RLF PROGRAM .....	14
SECTION 10. LOAN SERVICING .....	14
10.1 MONITORING.....	14
10.2 RECORDKEEPING .....	14

APPENDICES .....	16
A. LOAN CLOSING DOCUMENTATION CHECKLIST .....	16
B. BROWN COUNTY REVOLVING LOAN FUND APPLICATION .....	17

## **FOREWORD**

The Wisconsin Community Development Block Grant (CDBG) Program, administered by the Wisconsin Department of Commerce, provides local government with funds to use for economic development, more specifically, for business start-ups and expansion. These funds, received from the U.S. Department of Housing and Urban Development, are used to provide grants to local units of government that use the funds to loan to a business. The business, in return for use of the public funds, provides private investment towards the assisted activity and most importantly creates job opportunities, principally for the benefit of low and moderate persons.

When a business repays Brown County the loan (principal and interest payments), these funds are used to capitalize a local revolving loan fund (RLF). With the RLF, Brown County can make additional loans to businesses wishing to expand or locate in the County. In administering a RLF, Brown County becomes a "bank" and accepts all of the responsibilities of a commercial lender when it makes a CDBG or RLF loan to a business.

This manual contains RLF policies and procedures to govern the use of revolving loan funds. Brown County has designed and adopted procedures that best fit its particular needs.

### **SECTION 1. GENERAL PROVISIONS**

#### **1.1 PURPOSE**

The purpose of the policies and procedures contained within this manual, hereafter referred to as the Brown County Economic Development Revolving Loan fund Manual, is to present the criteria which governs the economic development activities assisted with funds made available through the Brown County Revolving Loan Fund (RLF) program.

#### **1.2 OBJECTIVES**

Economic development activities assisted with funds made available through the RLF Program are intended to meet the following objectives:

- (1) To encourage the creation and retention of permanent jobs, which provide a wage, appropriate to the skills and experience of the local labor force and that is competitive. A minimum of 51 percent of the jobs created shall be made available to low and moderate-income persons.
- (2) To encourage the leveraging of new private investment into Brown County in the form of fixed asset investment, particularly in land and buildings.
- (3) To perpetuate a positive and proactive business climate which encourages the retention and expansion of existing businesses and helps to attract desirable new businesses.
- (4) To implement Brown County's economic development goals and objectives.
- (5) To maintain and promote a diverse mix of employment opportunities and to minimize seasonal or cyclical employment fluctuations.

- (6) To encourage the development and use of modern technology and create safe work environments.
- (7) To encourage dairy producers to undertake capital improvement projects that will result in a significant increase in milk production.

### 1.3 AMENDMENTS AND MODIFICATIONS

Brown County may from time to time amend the provisions imposed by the policies and procedures contained within the RLF manual and such amendments are subject to prior written approval by the Wisconsin Department of Commerce, RLF Administrator of the Wisconsin Community Development Block Grant Program (CDBG) that provides the funds used to capitalize the RLF.

## SECTION 2. ADMINISTRATION

### 2.1 ADMINISTRATION OF THE REVOLVING LOAN FUND

Brown County has designated by agreement with Advance: a division of the Green Bay Area Chamber of Commerce Foundation located at 2701 Larson Rd., Green bay, WI 54303 who will serve as the RLF Administrator agent for the program and its related activities. The Brown County Treasurer has established a separate checking account and reserves its use solely for this program. Funding decisions will be made by the Loan Administration Committee that consists of 5-10 members appointed by the County Executive.

### 2.2 LOAN REVIEW BOARD

- (1) Brown County shall establish a formal Loan Review Committee, which shall consist of individuals representative of broad Community interests, and having special expertise and knowledge of commercial lending and economic development processes. Expertise on the Committee optimally shall include representation from the governing body, the planning commission, the local development corporation, the local chamber of commerce, the local banking community, a business law attorney, and the RLF Administrator appointed by the community.
- (2) The Loan Review Committee shall have the authority to review, select and approve loan applications. The Committee shall also have the authority to make policy recommendations for the administration of the program. Periodic activity reports prepared by the RLF Administrator shall be provided to members of the Brown County's governing body.
- (3) The RLF Administrator shall explain the Program to prospective applicants, provide written information, assist applicants in completing applications, and process requests for financing. The RLF Administrator, where necessary and appropriate, shall counsel or guide loan applicants to other more appropriate technical and financial resources when the loan applicant has needs beyond those available from the RLF program.

- (4) The RLF Administrator shall periodically review all financial statements and loan amortization schedules of RLF loan recipients, review and approve documentation of business expenditures financed with RLF proceeds, record RLF security instruments.
- (5) The Brown County Department of Administration shall maintain the RLF accounting records which shall be segregated from other County accounts, and provide reports to the Department of Commerce regarding the use of the RLF funds.
- (6) Brown County Corporation Counsel shall prepare all loan agreements, review all promissory notes and mortgage or lien instruments, and counsel Brown County on default matters.
- (7) The RLF Administrator shall be responsible for the maintenance of all other records for the local RLF, particularly those related to the expenditures of the RLF monies for program administration purposes.

## 2.3 MEETINGS

Loan review meetings shall be held on an as-needed basis. Pursuant to Section 19.84, Wisconsin Statutes, all Committee members shall be given prior notice of each meeting. A majority of the Committee in attendance at a meeting constituting a quorum shall be required for official Committee action. Official actions must have the support of the majority of the Committee members present.

## 2.4 RECORDS

Written records of all program activities, including program meetings, loan applications, and related documents, shall be maintained in appropriate files. All files should be maintained in a secure place with limited access by authorized personnel. The Brown County's legal counsel shall be consulted in regard to compliance with state and municipal open records laws.

The following files shall be established and maintained for each loan recipient:

- (1) Loan Application File: All application, business financial statements, personal financial statements, credit reports, business plan documents, and other supporting loan information submitted to the Community, including all applicable correspondence, shall be placed in a permanent file.
- (2) Loan Recommendation File: This file should contain a summary of the analysis, recommended actions for the application, and a copy of the minutes for the Loan Review Committee meeting summarizing the action taken on the loan request.
- (3) Loan Closing File: This file contains copies of all loan-closing documents. This file contains all the legal documents from the loan closing, including security instruments, the note and other applicable correspondence and shall be placed in a locked, fireproof safe. The Brown County's Corporation Counsel should be involved in helping create and complete this file to insure complete loan documentation. Copies of the loan closing documents and an amortization schedule will be provided to the loan recipient, along with an invoice, if applicable, for loan closing and servicing fees.



- (4) "Tickler File" System: A tickler file system should be established and maintained to ensure that loan repayments, financial information, the loan agreement, UCC updates, and other time sensitive documentation requirements are tracked and obtained as required. The system should include the following monthly coded index files:
- 1) Expiration dates for property, casualty and life insurance policies;
  - 2) Due dates for all financial statements;
  - 3) Expiration dates for UCC financing statements, the reminder to update being at least 45 days prior to the expiration of the UCC filing on hand;
  - 4) Scheduled dates of annual loan performance and covenant reviews;
  - 5) Dates for site visits;
  - 6) Due dates for property tax payments and dates by which Brown County expects to hear from the borrower regarding confirmation of payment of taxes;
  - 7) Review dates for job monitoring; and
  - 8) Dates on which loan recipients will be notified of scheduled changes in the loan amortization scheduled per loan agreements.
  - 9) Financial Statement File: This file should contain the business' periodic financial statements as required by the loan covenants with a statement indicating that the RLF Administrator reviewed the data.
  - 10) Progress Report File: Loan recipients should be required to submit periodic progress reports during the outstanding term of the loan. Brown County should make periodic site visits to verify information in the progress report and financial statements. These site visits should be documented for the file.
  - 11) Site Visit File. Site visits should be conducted periodically to each loan recipient, the scheduling of which depends on the nature of the project. A summary of the site visits should be placed in the file, particularly highlighting any information that can help in rating the overall condition/risk of the loan.
  - 12) Repayment Monitoring File: This file should include the loan amortization schedule, status of payments, and the outstanding balance of the loan. Observations suggesting concerns or problems should be reported to the RLF Committee and notations shall be placed in the tickler file to remind the RLF Administrator of the need to provide continued monitoring. If payments are made to an office (i.e. controller's or clerk's), there needs to be in the file receipts of payments and there needs to be a system in place to insure the timely notification of payments to the RLF Administrator.

The RLF Administrator will notify the loan recipient in writing of the deficiency and the action that will be taken should the payment not be made. Should there be a late payment, the RLF Administrator will contact the loan recipient to determine the reason for the delayed payment. Contact may need to be made

with other participating lender(s) to determine if their loans are current and to alert the lender of a potential problem. All payments shall be applied first to accrued late payment penalties, then to interest accrued and then to principal.

- 13) Loan Review File: All loans are to be reviewed on an annual basis, and at such other times as may be deemed necessary by Brown County. The review should follow receipt of the fiscal year-end financial statements, the year-end progress reports, and site visits. A report on the loan review shall be in the file and address the following: timeliness of monthly payments; condition of collateral securing the loan and status of security documents (i.e. mortgages, UCC filings); overall financial condition of the business; the presence of material liens or lawsuits; and violations of loan covenants and suggested corrective actions.

If the business is experiencing problems with any of the above criteria, the RLF Administrator is to work with the loan recipient to identify actions that are needed to correct the identified deficiencies, including possible restructuring of the loan to protect the Brown County's interest and meet the needs of the business. If appropriate, the RLF Administrator will arrange for business assistance, including services available through the University of Wisconsin-Extension, Small Business Development Center (SBDC), the Service Corp of Retired Executives (SCORE), and other entities having an interest in serving the needs of businesses.

In the event the findings of the loan review suggest serious problems, particularly if the loan is at risk for default, the account should be turned over to Brown County Corporation Counsel for legal action in order to initiate steps necessary to protect the loan and to insure the maximum repayment of the balance due. Again, corrective actions may be achieved through restructuring or if necessary, foreclosure actions.

## 2.5 ADMINISTRATION

Reasonable administrative funds may be withdrawn from the RLF to cover personnel costs and other administrative expenses. Local funds may be used in situations when loan repayments are insufficient to cover administrative costs. Administrative expenses of fifteen (15) percent of program income may be used for direct loan administrative costs. In addition to paying costs for RLF Administration, these funds may be used for the following:

- (a) Legal costs.
- (b) Consulting fees for credit analysis, business plan reviews and technical assistance.
- (c) Office supplies, copying, typing, mailing, and related.
- (d) Training costs.
- (e) Security document recording fees.

To generate additional revenue to cover administrative costs, Brown County will charge a loan origination fee of 1/2 percent on all loans. The loan origination fees will be used to pay Brown County for administrative costs associated with the loan fund program. The accounting of the fee revenue placed in the RLF should include separate line items to track administrative expenses recovered.

### **SECTION 3. ELIGIBILITY CONSIDERATIONS**

#### **3.1 ELIGIBLE AREA**

The area served by the RLF program shall be within the corporate limits of Brown County excluding the corporate limits of the City of Green Bay.

#### **3.2 ELIGIBLE APPLICANTS**

- (1) Applications may be submitted to the RLF Administrator (Advance, 2701 Larson Rd., Green Bay, WI 54303) by the sole proprietor or Chief Executive Officer of any business wishing to establish a new operation or expand an existing operation in Brown County.
- (2) No member of the governing body, loan review board, or any other official, employee, or agent of Brown County including employees of Advance who exercises decision-making functions or responsibilities in connection with the implementation of this program is eligible for financial assistance under this program.
- (3) No program loans will be made which are in conflict with Section 946.13 of the Wisconsin Statutes (Private Interest in Public Contract Prohibited).
- (4) Applicants shall not be disqualified based on age, race, religion, color, handicap, sex, physical condition, development disability as defined in s. 51.01(5), sexual orientation or national origin.

#### **3.3 ELIGIBLE ACTIVITIES**

Program loans shall be available to eligible applicants for the following activities:

- (1) The acquisition of land, buildings, and fixed equipment.
- (2) Site preparation and the construction or reconstruction of buildings or the installation of fixed equipment.
- (3) Clearance, demolition, or the removal of structures or the rehabilitation of buildings and other such improvements.
- (4) The payment of assessments for sewer, water, street, and other public utilities if the provision of the facilities will directly create or retain jobs.
- (5) Working capital (inventory and direct labor costs only).
- (6) Purchase of Dairy cows resulting in significant long-term increase in capacity to produce milk.

### 3.4 INELIGIBLE ACTIVITIES

Program loans shall not be available for the following activities:

- (1) Refinancing or consolidating of existing debt.
- (2) Reimbursement for expenditures prior to loan approval.
- (3) Specialized equipment that is not essential to the business operation.
- (4) Residential building construction or reconstruction (unless such reconstruction is intended to convert the building to a business or industrial operation).
- (5) Routine maintenance.
- (6) Professional services such as feasibility and marketing studies, accounting, management services, and other similar services. Legal services incurred in the closing of a RLF loan are eligible.
- (7) Other activities that the Loan Review Committee may identify during the administration of the program.

### 3.5 INELIGIBLE BUSINESSES

Program loans shall not be available for the following businesses:

- (1) Speculative investment companies.
- (2) Real estate investment companies.
- (3) Lending institutions.
- (4) Gambling operations.
- (5) Non-public recreation facilities.
- (6) Other businesses not serving the interest's of the Community.

### 3.6 MINIMUM REQUIREMENTS

To be eligible for funding, a proposed project must meet all of the following minimum requirements:

- (1) Private Funds Leveraged. The applicant must leverage a minimum of one dollar (\$1.00) of private funds for every one dollar (\$1.00) of loan funds requested. Higher leverage may be required at the discretion of the Loan Review Committee.
- (2) Cost Per Job Created. At least one (1) full-time permanent position or full-time equivalent must be created for every \$20,000 of program funds requested. The

Committee may require lower job cost where warranted, (i.e. taking into consideration type of jobs, hourly wage, etc.)

- (3) Financial Feasibility and Business Viability. The applicant must demonstrate that the proposed project is viable and the business will have the economic ability to repay the funds.
- (4) Low and Moderate Income (LMI) Benefits. The project shall provide increased permanent employment or will retain existing jobs, which would have been lost locally. Of the jobs created or retained by the project, at least 51 percent of these jobs must be made available to low to moderate income persons, (as defined by household incomes published by the U.S. Housing and Urban Development and available through the Wisconsin Department of Commerce).
- (5) Compliance with Applicable Laws. Applicants shall comply with all applicable local, state, and federal laws and codes.
- (6) Project Completion. Projects shall be completed within 24 months from the date of the loan approval. Applicants shall provide the RLF Administrator a project implementation schedule not exceeding 24 months for project completion and job creation, and maintain the positions created for 24 months.

#### **SECTION 4. TERMS AND CONDITIONS**

##### **4.1 TERMS AND CONDITIONS**

Loan terms and conditions shall be structured on need and ability to repay. Minimum standards shall include the following:

- (1) Loan Amount. Loan amounts are subject to the availability of program funds. A minimum loan of \$10,000.00 and a maximum loan of \$250,000.00 for each borrower.
- (2) Interest Rate. The interest rate shall be established by the Loan Review Committee.
- (3) Terms for Loans.
  - (a) Working capital loans shall have a maximum term of seven years.
  - (b) Loans for machinery, equipment and fixtures shall have a maximum term of ten years.
  - (c) Real estate loans shall have a maximum term of 12 years which can be amortized on a 20-year basis with the option of refinancing for an additional 8 years.
  - (d) In any case, the loan shall not have a term longer than the terms of the other private financing in the project.
- (4) Period of Payment. Terms may include longer amortization schedules with balloon payments. Amortization schedules shall be set up for monthly payments.

- (5) Repayment. Payment of interest and/or principal may be deferred during the implementation period of the assisted activity if merited in the loan application. Interest shall accrue during the deferment period and may be paid in full or added to the principal amount of the loan. Following the deferral period, interest and principal shall be paid for the remaining term of the loan.
- (6) Prepayment. There shall be no prepayment penalties.
- (7) Collateral. Brown County will seek to have the best possible collateral position possible to ensure that RLF loans are adequately secured.

## **SECTION 5. APPLICATION PROCEDURES**

### **5.1 DISCUSSION OF REQUIREMENTS**

Prior to submitting an application, the applicant shall discuss the program with the RLF Administrator. The RLF Administrator shall assist the applicant, as is reasonably necessary, in completing the application. All financial information will be kept in a secured place with limited access by authorized personnel only.

### **5.2 TIMING**

Applications may be submitted at any time during the calendar year.

### **5.3 PRIORITY**

Applications shall be reviewed in the order received and based on readiness for the proposed project to proceed. In the event that loan funds requested exceed available funds, the following criteria will be used to determine which business(es) will be awarded the loan(s):

- (1) Eligibility of the applicants.
- (2) Eligibility of the project to be undertaken.
- (3) The extent to which private funds are to be leveraged.
- (4) The extent to which jobs are to be created, and the type jobs and wages.
- (5) The extent to which the loan can be secured.
- (6) Evidence of ability to repay the loan.
- (7) Size of the loan requested.
- (8) Timing of the proposed expenditures.
- (9) Completeness of application.
- (10) Other factors as deemed appropriate.

## 5.4 LOAN APPLICATION

### Application Procedures

Businesses that are interested in applying for a loan will be requested to submit an application along with supporting documentation and a \$100 non-refundable loan application fee, to the RLF Administrator (Advance whose office is located at 2701 Larson Rd., Green Bay, WI 54303). A copy of the application and standard conditions are included as Attachment A to this Manual.

- (1) Business Description. A written description of the business, including the following:
  - (a) A brief history of the existing or proposed business, including when it started or is to start, type of operation, legal structure, markets, and products.
  - (b) Key customers and clients.
  - (c) A personal resume of each principal associated with the business, including: number of years of experience in the business; educational background; and role in the proposed or existing business.
  - (d) Three years of financial history including balance sheets, profit/loss statements, cash flow statements and accountant notes.
- (2) Project Description. A description of how the business plans to use the requested funds.
- (3) Commitments from Private Lenders. This consists of commitments from all private lenders making loans to the project. Lender commitment letters should include:
  - (a) Description of the type of loan being made by the lender (first mortgage, permanent financing, construction financing, etc.)
  - (b) The amount of the loan, interest rate, term, and security, availability, and repayment schedule and amounts.

These commitments shall be obtained concurrently with the negotiation of the terms and conditions of the RLF Program loan to insure the interest of Brown County are secured.

- (4) Projections. Provide proformas (a balance sheet & income statement and cash flow statement). These should cover a three-year period and should be based on the assumption that the business will receive the requested loan.
- (5) Additional Information. Additional information as may be required by the Loan Review Committee, or the RLF Administrator.

## 5.5 REVIEW PROCESS

Specific steps in the review process include the following:

- (1) Preliminary Review. The RLF Administrator will review the application for completeness and verify that the proposed project meets the minimum requirements provided in Section 3.6. If the application is not complete, the RLF Administrator will inform the applicant of the deficiencies.
- (2) Formal Review. The Loan Review Committee will meet to review an application within 30 days of the receipt of a completed application or at some other predetermined schedule. Once the review is completed and the proposal is acceptable for funding, the Loan Review Committee will forward the proposal to the RLF Administrator to act on loan requests.
- (3) Negotiation of Terms. Upon the acceptance by the governing body, the RLF Administrator will contact the business in writing to review and explain the terms of the loan.
- (4) Notice of Award. If the application is approved, a closing will be scheduled to execute the necessary loan documents.
- (5) Rejection of Award. If the application is not approved, the RLF Administrator will send a letter to the applicant stating the reasons for rejection and offer to meet with the applicant to explore ways to strengthen the loan request or to identify alternative funding sources.

## SECTION 6. DISTRIBUTION OF FUNDS

### 6.1 LOAN PROCEDURES

Prior to releasing funds, the following documentation must be in place or provided at the appropriate time during the term of the loan.

- (1) Notice of Award. The Loan Review Committee must have reviewed and approved a complete application for an eligible applicant.
- (2) Loan Origination Fee. The business will be required to pay a loan origination fee equal to one-half of one percent (.5%) of the loan prior to closing.
- (3) Loan Agreement. Brown County Corporation Counsel shall review a loan agreement, which shall be executed by the Brown County's Executive, Clerk and the Chief Executive Officer of the business.
- (4) Promissory Note. A promissory note shall be reviewed by Brown County Corporation Counsel and signed by the Chief Executive Officer at the time of loan closing. The note must be dated; it must reference the agreement between Brown County and the business; and, it must specify the amount and terms of the loan funds delivered.
- (5) Security. Mortgage or lien instruments or personal guarantees provided as security for all loans shall be reviewed by Brown County Corporation Counsel and executed at the time



of the loan closing. The RLF Administrator, shall record the instrument and place a copy in the project file to include:

- (a) Mortgage and/or security agreement.
  - (b) UCC searches and filing.
  - (c) Guarantee agreement.
  - (d) Title insurance or Abstract.
  - (e) Assignment of Life Insurance.
  - (f) Casualty Insurance binder.
  - (g) Personal guarantee.
  - (h) Other documentation as may be appropriate.
- (6) Repayment Schedule. The RLF Administrator shall prepare a loan repayment or amortization schedule after the loan proceeds are fully disbursed. The repayment schedule shall be dated and signed by both the CEO and the Chief Executive Officer of the business. At that time, the repayment schedule shall be attached to both parties' copies of the agreement.
- (7) Evidence of Permits, etc. Documentation must be provided by the applicant that the applicant prior to the release of program funds has obtained all necessary permits, licenses, and any other registrations required.
- (8) Evidence of Program Expenditures. Documentation must be provided by the business to evidence program expenditures prior to the release of funds. Documentation shall include bills and invoices or receipts for materials, final bills of sale or canceled checks. All documentation shall be reviewed and approved by the RLF Administrator.
- (9) Fixed Equipment. Fixed equipment financed with program funds must have been purchased, delivered, and installed. The RLF Administrator shall verify the installation of fixed equipment.
- (10) Other Documentation. As appropriate or necessary, the borrower may be asked to provide the following:
- (a) A certificate of status from the Department of Financial Institutions.
  - (b) The Articles of Incorporation and by-laws.
  - (c) A Board resolution to borrow funds and Secretary's certificate.
  - (d) Current financial statements.
  - (e) Evidence of having secured other funds necessary for the project.

- (f) An Environmental Assessment for real estate loans which may either be a Phase I, II, or III analysis, depending on the environmental condition of the site.

With the above documentation in place, the RLF Administrator will schedule a loan closing. All documents will be executed before funds are disbursed, and mortgages and UCC Statements shall be recorded with the Register of Deeds and the Secretary of State (the Appendix contains a Loan Closing Documentation Checklist).

## **SECTION 7. POST APPROVAL REQUIREMENTS**

### **7.1 OBLIGATION OF LOAN RECIPIENT**

In addition to the terms and conditions of the loan, all borrowers shall agree to comply with the following:

- (1) The creation or retention of the agreed upon number of jobs within 24 months of the date of the execution of the loan agreement with the Community.
- (2) Not to discriminate on the basis of age, race, religion, color, handicap, sex, physical condition, development disability as defined in s. 51.01(5), sexual orientation or national origin in any employment or construction activity related to the use of the business loan funds.
- (3) To use the loan money only to pay the cost of services and materials necessary to complete the project or activity for which the loan funds were awarded.
- (4) To permit inspections by the RLF Administrator or by persons authorized by Brown County or its agents of all projects and properties assisted with loan funds. Related project materials shall also be open to inspections, which include, but may not be limited to, contracts, materials, equipment, payrolls, and conditions of employment. Requests for inspection shall be complied with by the borrower.
- (5) To maintain records on the project as may be requested by Brown County. These files shall be maintained as long as the loan is active or for at least three (3) years after completion of the work for which the loan has been obtained, whichever is longer.
- (6) To submit periodic progress reports to the RLF Administrator in accordance with the schedule in the loan agreement. These reports shall report on project progress including number of jobs created or retained during the loan agreement.
- (7) To maintain fire and extended coverage insurance on the project property required during the term of the loan. Brown County shall be listed as Loss Payee, Mortgagee, or "additional" insured on the policy. Term life insurance may be required of the applicant to cover the loan balance through the life of the loan.
- (8) To abide by all federal laws, when applicable. These include, but may not be limited to: The Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Davis-Bacon Act, as amended; the Contract Work Hours and Safety Standards Act; the Copeland "Anti-Kickback" Act; and, all regulations pursuant to these Acts.

## **SECTION 8. PERFORMANCE MONITORING**

### **8.1 PRIVATE LEVERAGE COMMITMENTS**

The RLF Administrator shall monitor the use of the funds and expenditure of private leverage commitments. Documentation may include invoices or receipts for materials and supplies, letters from lenders, final bills of sale, and canceled checks.

### **8.2 HIRING OF NEW EMPLOYEES**

The RLF Administrator shall monitor the borrower's progress in meeting agreed upon job creation or retention goals. Job creation must be documented using payroll records. Before-project and after-project payroll records should be provided by the borrower to document job creation. Failure of the business to provide the targeted number of LMI level jobs may be a condition for default unless the business can show it made a good faith effort to create the targeted number of LMI jobs but did not succeed due to reasons beyond its control.

### **8.3 DEFAULT**

In the event the business is in default on any of the terms and conditions of the loan agreement, all sums due and owing, including penalties, shall, at the Brown County's option, become immediately due and payable. To exercise this option, Brown County's Corporation Counsel shall prepare a written notice to the business. The notice shall specify the following:

- (a) The default.
- (b) The action required to cure the default.
- (c) A date, not less than thirty (30) days from the date of the notice, by which the default must be cured to avoid foreclosure or other collective action.
- (d) Any penalties incurred as a result of the default, jobs, etc.

## **SECTION 9. USE OF LOAN REPAYMENTS AND REPORTING**

### **9.1 RLF PROGRAM**

Repaid loans shall be re-deposited into the Revolving Loan Fund account and used in a manner consistent with the policies and procedures manual. A separate accounting record for each loan shall be kept to account for all funds loaned. The RLF account shall be audited on an annual basis and the RLF Administrator shall provide semi-annual reports to Commerce, June 30 and December 31, regarding the use of program income. Reports shall be submitted on forms prescribed by the Wisconsin Department of Commerce.

## **SECTION 10. LOAN SERVICING**

### **10.1 MONITORING**

The RLF Administrator shall monitor each loan to ensure compliance with the loan terms and conditions and to monitor the financial health of the business to insure continued repayment of

the loan. The monitoring will also ensure that all recordkeeping requirements are met particularly in regard to job creation and expenditures of matching funds.

A loan servicing file shall be established and maintained for each loan recipient that includes all written correspondence; a record of important telephone conversations; a list of applicable loan covenants; certificates of insurance for builder's risk, property-casualty, and life insurance, as applicable; and documentation for job creation and retention including low and moderate income certifications forms.

## 10.2 RECORDKEEPING

In addition to the above, the RLF financial management records must be comprehensive and designed to provide the following information:

- (a) A Revolving Loan Fund Register that records all deposits and disbursements to and from the RLF, including funds used for RLF administration.
- (b) A CDBG Loan Repayment Register that records repayments made by each business which has received a loan from the RLF. It also tracks the balance of repayments from all loans from the RLF.
- (c) A Collection Register for every loan made. Each register contains the business name, loan date, loan amount, terms, and date repayment begins. Payments are divided into principal and interest payments with a declining principal balance.
- (d) RLF Loan Repayment Registers that record repayments made by each business, which has received a loan from the RLF. It also tracks the balance of repayments from all loans from the RLF.

# LOAN CLOSING DOCUMENTATION CHECKLIST

	Date Requested	Date Received	If Recording Required:		Not Applicable
			Date Recorded	Date Returned	
<b>FOUNDATION DOCUMENTATION</b>					
Financial Statements					
Certificate of Corporate Good Standing from Sec. of State					
Loan Commitment Letter					
Loan Agreement					
Borrowing Resolution or Agreement					
Certified Copy of Resolution Authorizing Actions Taken					
Sole Ownership Affidavit					
Other					
<b>GUARANTEES/DEBT SUBORDINATION</b>					
Unlimited, Limited, or Specific Guarantee					
Spousal Consent					
Debt Subordination					
Authorizing Resolution or Agreement					
Other					
<b>POSSESSORY COLLATERAL INCLUDING LIFE INSURANCE</b>					
Possession of Policy					
Assignment of Policy as Collateral					
Transmittal Letter and Request for Acknowledgement and Policy Information					
Other					
<b>NONPOSSESSORY COLLATERAL</b>					
Release of Prior Lender Filings					
Security Interest Subordination Agreement					
Business Chattel Security Agreement					
Selective Business Security Agreement					
Financing Statement					
Financing Statement Fixtures - Real Estate Records					
Motor Vehicle Perfection					
Insurance Binder on Collateral					
Other					
<b>REAL ESTATE</b>					
Survey					
Appraisal					
Casualty Insurance Binder					
Title Insurance Binder					
Title Insurance Policy					
Title Opinion Based on Abstract					
Check of Legal Description Against Deed, Mortgage, and Title Insurance Binder					
Environmental Audit					
Mortgage					
Business Real Estate Security Agreement					
Flood Plain Certificate					
Flood Plain Notice					
Real Estate Mortgage Subordination Agreement					
Other					
<b>NOTE DISBURSEMENTS</b>					
Business Note					
Statement					
Other					
<b>COMPLETED BY:</b>					
<b>RENEWED BY:</b>					

**Attachment B**

**BROWN COUNTY**  
**Wisconsin Development Fund Revolving Loan Fund Application**

1. Business Name \_\_\_\_\_
2. Brief Project Description \_\_\_\_\_  
\_\_\_\_\_
3. Contact Name & Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ Federal I.D. # \_\_\_\_\_  
Fax Number: (\_\_\_\_) \_\_\_\_\_ Email Address \_\_\_\_\_
4. Use of RLF Funds \_\_\_\_\_  
\_\_\_\_\_
6. Source and Amounts of Funding for Project:  

a) Private Lender	\$	_____
b) S.B.A.	\$	_____
c) Owner's Equity	\$	_____
d) Brown County	\$	_____
e) Other	\$	_____
Total Project:		\$ _____
5. Total Project Cost \_\_\_\_\_
7. Assistance requested from Brown County: (Amount, Rate, Term):  
\_\_\_\_\_  
\_\_\_\_\_
8. Job Creation (Number, full-time/part-time, pay levels):  
\_\_\_\_\_  
\_\_\_\_\_
9. Date funds needed: \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

BROWN COUNTY  
ECONOMIC DEVELOPMENT FUND REVOLVING LOAN FUND  
Standard Application Documentation

Please include the following supporting documentation, if applicable, along with each revolving loan fund application. All information must be signed and dated.

- (1) Application Fee. Submittal of a non-refundable loan application fee of \$100 payable to Brown County.
- (2) Business Description. A written description of the business, including the following:
  - (a) A brief history of the existing or proposed business, including when it started or is to start, type of operation, legal structure, markets, and products.
  - (b) Key customers and clients.
  - (c) A personal resume of each principal associated with the business, including: number of years of experience in the business; educational background; and role in the proposed or existing business.
  - (d) Three years of financial history including balance sheets, profit/loss statements, cash flow statements and accountant notes.
- (3) Project Description. A description of how the business plans to use the requested funds.
- (4) Commitments from Private Lenders. This consists of commitments from all private lenders making loans to the project. Lender commitment letters should include:
  - (a) Description of the type of loan being made by the lender (first mortgage, permanent financing, construction financing, etc.)
  - (b) The amount of the loan, interest rate, term, and security, availability, and repayment schedule and amounts.

These commitments shall be obtained concurrently with the negotiation of the terms and conditions of the RLF Program loan to insure the interest of Brown County are secured.
- (5) Projections. Provide proformas (a balance sheet & income statement and cash flow statement). These should cover a three-year period and should be based on the assumption that the business will receive the requested loan.
- (6) Additional Information. Additional information as may be required by the Loan Review Committee, or the RLF Administrator.
- (7) Statement of anticipated benefits (job creation) from proposed loan.
- (8) Current payroll spreadsheet listing number of employees and pay scales. For each position indicate whether full-time or part-time; percentage of male/female; and minority/non-minority.

- (9) Personal financial statements of the principals, owners, officers, directors.
- (10) A source and use statement for the project.
- (11) A copy of lease, purchase agreement, or other financing arrangements.
- (12) An independent appraisal on an as-completed basis.
- (13) A letter from the Chief Executive Officer committing the business to proposed project.
- (14) Third-party documentation of the availability of private funds included in the package to include "but for" clause.
- (15) A list of collateral to be offered as security.
- (16) Copies of specifications, equipment description, and detailed cost estimates for all items to be included in total loan package. Provide third-party documentation to support estimates.
- (17) A Memorandum of Agreement between the Green Bay Office of Wisconsin Job Service and the recipient business, documenting the commitment to recruit low and moderate income persons for the low and moderate skilled jobs to be created.
- (18) Documentation that the project is in compliance with local and state building codes and zoning regulations and other applicable ordinances.



Brown County  
Planning  
Budget Status Report

11/30/2009

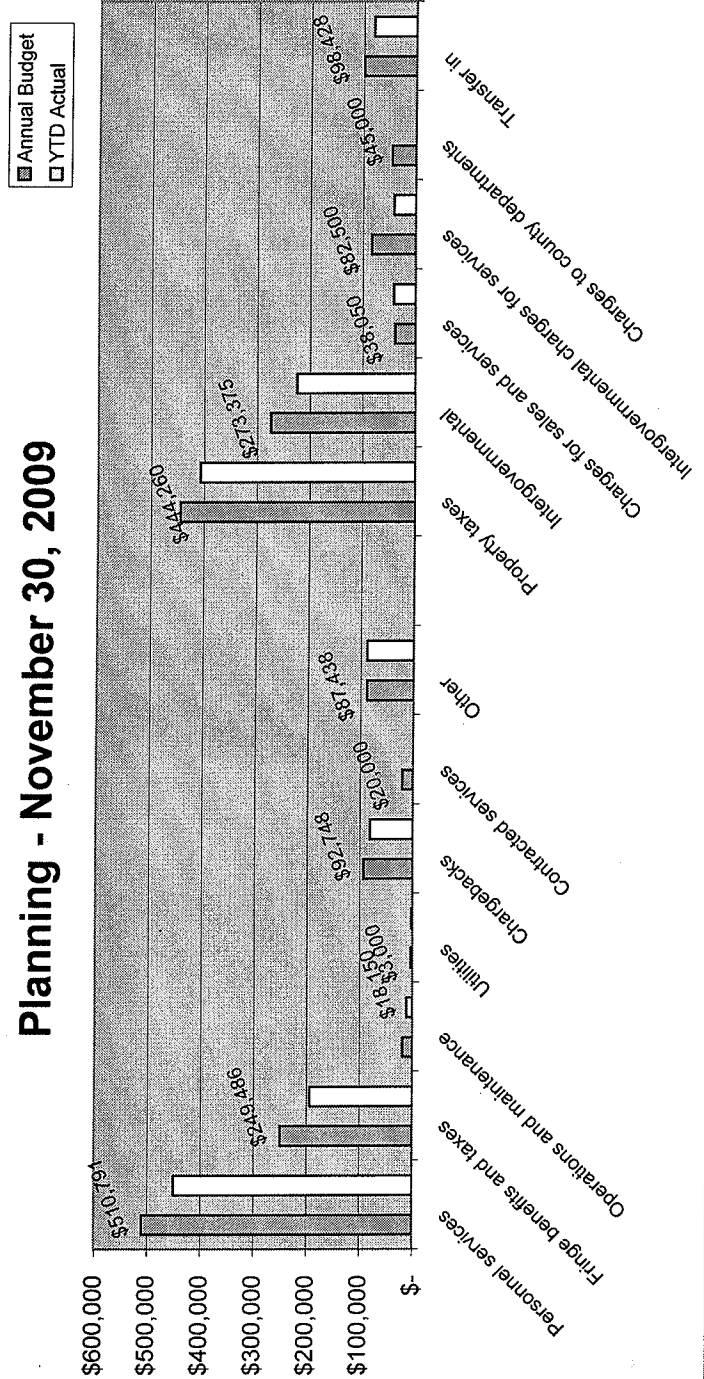
	Annual Budget	YTD Actual
Personnel services	\$ 510,791	\$ 450,507
Fringe benefits and taxes	\$ 249,486	\$ 193,472
Operations and maintenance	\$ 18,150	\$ 11,125
Utilities	\$ 3,000	\$ 2,131
Chargebacks	\$ 92,748	\$ 80,276
Contracted services	\$ 20,000	\$ -
Other	\$ 87,438	\$ 87,438
Property taxes	\$ 444,260	\$ 407,242
Intergovernmental	\$ 273,375	\$ 224,455
Charges for sales and services	\$ 38,050	\$ 41,038
Intergovernmental charges for services	\$ 82,500	\$ 41,066
Charges to county departments	\$ 45,000	\$ -
Transfer in	\$ 98,428	\$ 80,170

**HIGHLIGHTS:**

**Expenditures:** Other expenditures to date is at the annual budget allocation but reflects a once per year payment for Bay-Lake Regional Planning Commission and Northeast Wisconsin Stormwater Consortium. All other categories are near budget.

**Revenues:** Charges to county departments does not reflect revenue from work performed for the EIS for the Southern Bridge and Arterial. All other categories are near budget.

**Planning - November 30, 2009**



Brown County

Property Listing

Budget Status Report

11/30/2009

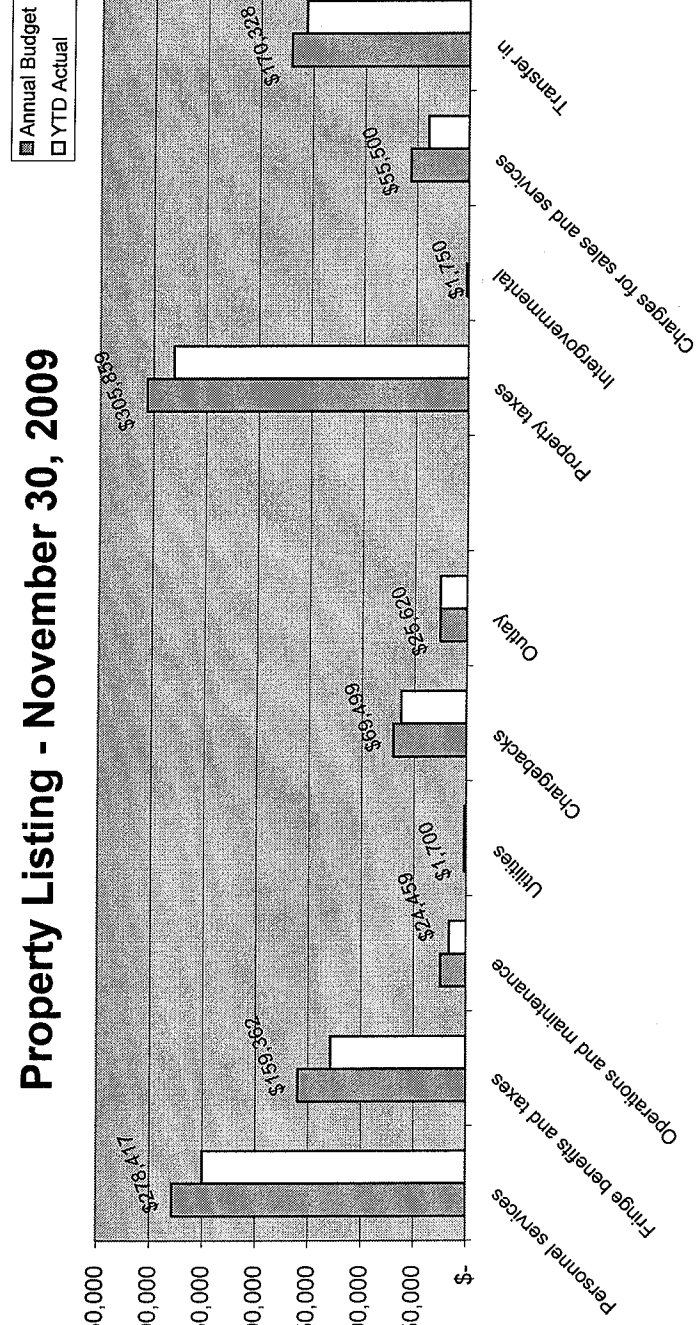
	Annual Budget	YTD Actual
Personnel services	\$ 278,417	\$ 250,154
Fringe benefits and taxes	\$ 159,362	\$ 128,447
Operations and maintenance	\$ 24,459	\$ 16,034
Utilities	\$ 1,700	\$ 1,469
Chargebacks	\$ 69,499	\$ 62,241
Outlay	\$ 25,620	\$ 25,645
Property taxes	\$ 305,859	\$ 280,368
Intergovernmental	\$ 1,750	\$ -
Charges for sales and services	\$ 55,500	\$ 38,853
Transfer in	\$ 170,328	\$ 156,134

**HIGHLIGHTS:**

Expenditures: Several of our employees have taken voluntary unpaid leave which has reduced the salaries and fringe benefits expenses.

Revenues: Land division review revenue has picked up and we are close to reaching our budget projections.

**Property Listing - November 30, 2009**



**TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in regular session on December 28, 2009 and recommends the following motions.

1. Review minutes of:
  - a) Harbor Commission (October 12, 2009).
  - b) Planning Commission Board of Directors (October 7, 2009).
  - c) Planning Commission Board of Directors (November 4, 2009).
  - d) Transportation Coordinating Committee (September 14, 2009).Suspend the rules and approve 1 a, b, c, & d together.
2. Planning and Land Services - Contract with Advance (Referred from September PD&T).  
Refer to January meeting.
3. Land Information Office - Grant Application Review (#09-45): The National Map: Imagery and Elevation Maps under ARRA. To approve grant application.
4. Planning Commission - Budget Status Financial Report for October 31, 2009.  
Receive and place on file.
5. Property Listing - Budget Status Financial Report for October 31, 2009.  
Receive and place on file.
6. Zoning - Budget Status Financial Report for October 31, 2009. Receive and place on file.
- \*\* 7. Zoning - Request to Fill Vacancy: Sanitary Inspector. Refer to Human Resources to work with staff to eliminate the Sanitary Inspector position and create a new administrative position and bring back to committee in January.
- \*\* Item #7 -- Refer back to Planning, Development & Transportation as per the County Board on 1/20/10.
  8. Zoning - Discussion and Action regarding Implementation of the POWTS Maintenance Program. (Motion at October PD&T: To approve Option 1 Option D – that POWTS owners must have completed an ESI and returned to BC Zoning by December 31, 2015 (extended from 2013); and Option 1 Suboption E – that holding tanks and mounds be completed first.) *Motion at October County Board: Refer to December Planning, Development & Transportation Committee as per the County Board on 10/21/2009. Refer to staff and report back in 60 days.*
  9. Highway/Planning Commission - Updates on CTH GV (standing item).  
Receive and place on file.
  10. Highway - November, 2009 Budget to Actual. Receive and place on file.
  11. Highway - LED Traffic Signal Maintenance: If Brown County maintains the LED traffic signals, how are they being maintained. Receive and place on file.
  12. Highway - 6 Year County Highway Improvement Plan 2011 to 2016. To approve.

# FREDERICK J. MOHR LLC

ATTORNEY AT LAW

414 East Walnut Street, Suite 101, P.O. Box 1015, Green Bay, WI 54305-1015

E-mail: mohrlaw@prodigy.net Tel: (920) 437-5441 Fax: (920) 437-5443

January 12, 2010

Mr. Bernie Erickson  
Brown County Board of Supervisors  
305 East Walnut Street, Room 219  
Green Bay, WI 54301

RE: Sanitary Inspector Position

Dear Bernie:

At last month's PD&T committee meeting, your committee considered filling a Sanitary Inspector position. The committee adopted a motion to send the job description back to Human Resources in order to amend it to provide that the position be administrative. Debbie Klarkowski has provided me a copy of the job description and asked me for my analysis and advice regarding altering the position in order to make it administrative.

After reviewing the job description and discussing the job duties with Human Resources, I am of the opinion that we cannot change the job duties significantly enough in order for the position to qualify as administrative. What follows is a discussion of why I have come to this conclusion.

Under Wisconsin law, there are three classifications of employees who qualify for exempt status. The first classification includes "confidential" employees. Confidential employees are defined as those employees who have access to or participate in substantial bargaining activities and strategy formation. Generally, only employees working for the Human Resource Department or the Corporation Counsel fit into this classification. The term "confidential" as used in this context relates only to confidential information which is directly related to bargaining. In this instance, the Sanitary Inspector would have no exposure to bargaining information.

The second type of employee that is exempt is a managerial employee. The Supreme Court has defined managerial employees as "those employees who participate in the formation, determination, and implementation of management policy or who possess effective authority to commit the employer's resources."

The WERC first considers whether the employee has budgetary authority. Lacking that, the WERC then considers whether the employee works independently and has day-to-day decision making authority in developing or implementing a management policy. Traditionally, the WERC has only excluded those employees who are department heads or deputies to a department head. The WERC relies heavily on whether the employee has budgetary decision making authority. Again, in this instance, the Sanitary Inspector has none of these duties.

Mr. Bernie Erickson  
Page 2  
January 12, 2010

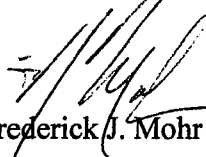
The final classification for exempt status is whether the employee is supervisory. Most of the cases focus on this status.

When considering whether an employee is supervisory, the WERC looks at numerous factors. Among the significant factors are whether the employee has the authority to effectively hire or fire other employees. In addition, another major factor is whether the employee spends a substantial amount of their time supervising other employees or whether the employee is performing work functions. It has been the practice of the WERC to refuse to attach supervisory status if more than 25 percent of the employee's work day is spent in actually performing non-supervisory functions. In other words, to qualify as a supervisory employee, the individual would need to spend a vast majority of their time supervising other employees.

The Sanitary Inspector does not supervise any other employees. Although Human Resources might rewrite the job description to include some supervisory responsibilities, the bulk of the job requires the employee to perform non-supervisory tasks. It would be impossible to rewrite this job description and assign duties which would put the position into an exempt status. In order to do so, we would have to change 75 percent of the job and redraft it to include supervisory responsibilities for this time. Doing so would eviscerate the functions for which the job is intended.

Due to these circumstances, I would recommend that the Sanitary Inspector position be adopted under the present Position Description. I am hoping that this letter has adequately explained my conclusion that we cannot alter this Position Description to the extent necessary and still retain the essential job duties to which it would be assigned.

Very truly yours,



Frederick J. Mohr

FJM:EEK

cc: Ms. Debbie Klarkowski

Brown County

Zoning

Budget Status Report

11/30/2009

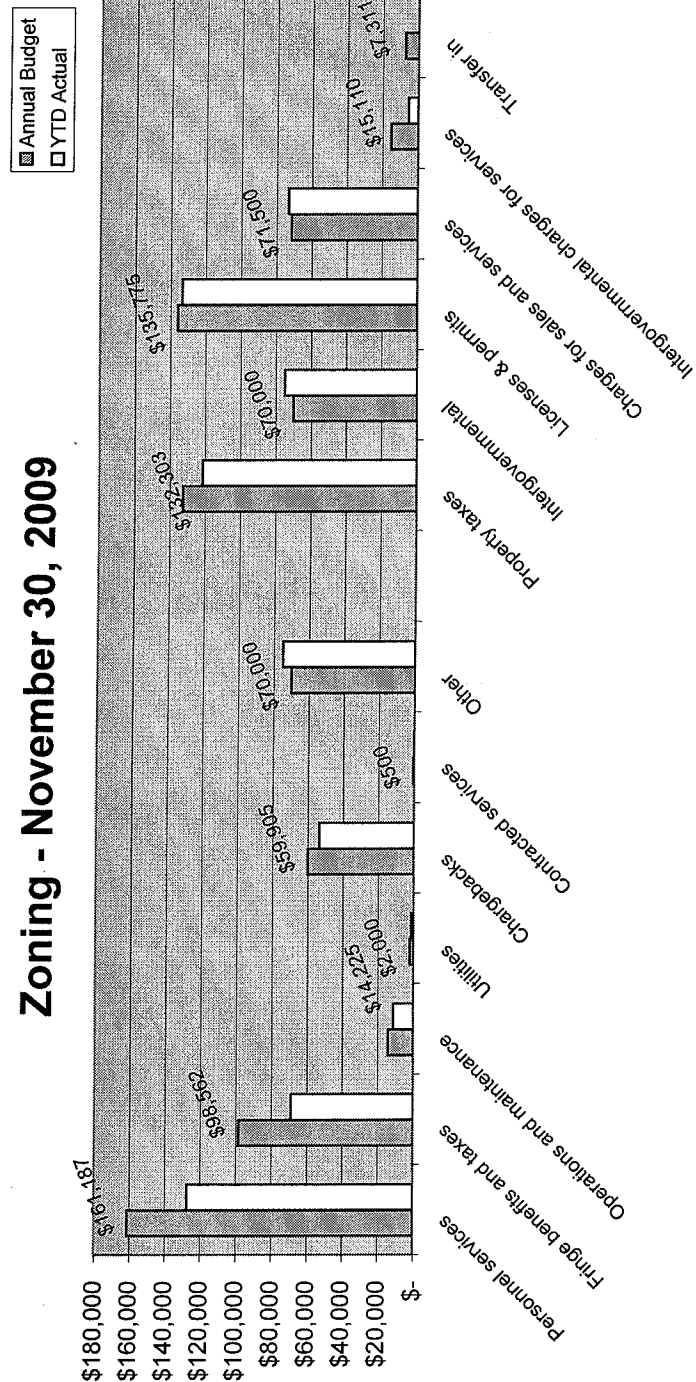
	Annual Budget	YTD Actual
Personnel services	\$ 161,187	\$ 127,503
Fringe benefits and taxes	\$ 98,562	\$ 68,995
Operations and maintenance	\$ 14,225	\$ 11,301
Utilities	\$ 2,000	\$ 1,294
Chargebacks	\$ 59,905	\$ 53,521
Contracted services	\$ 500	\$ 245
Other	\$ 70,000	\$ 74,899
Property taxes	\$ 132,303	\$ 121,275
Intergovernmental	\$ 70,000	\$ 74,899
Licenses & permits	\$ 135,775	\$ 133,330
Charges for sales and services	\$ 71,500	\$ 73,092
Intergovernmental charges for services	\$ 15,110	\$ 5,352
Transfer in	\$ 7,311	\$ -

HIGHLIGHTS:

Expenditures: All categories are at or near budget expectations.

Revenues: Permits and public charges are progressing at our anticipated rate.

Zoning - November 30, 2009



Brown County  
Register of Deeds  
Budget Status Report

11/30/2009

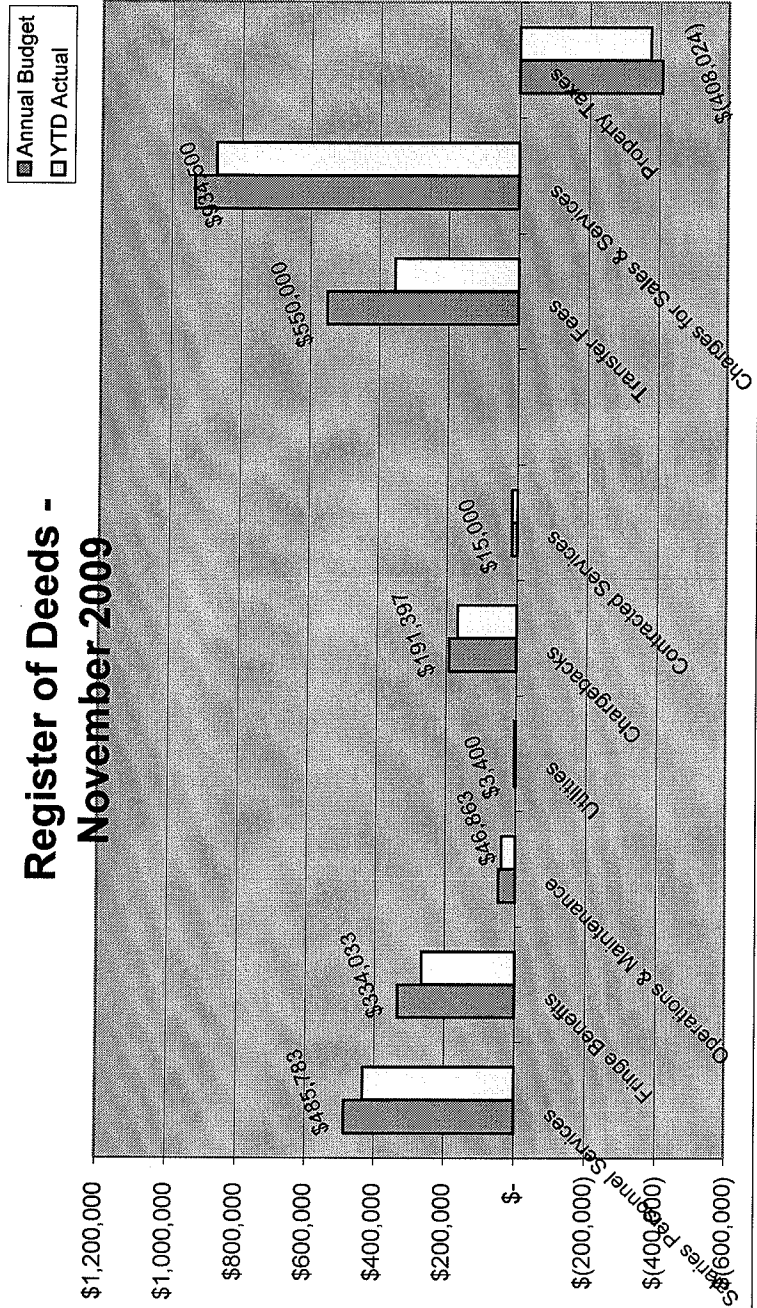
	Annual Budget	YTD Actual
Salaries Personnel Services	\$ 485,783	\$ 432,396
Fringe Benefits	\$ 334,033	\$ 265,004
Operations & Maintenance	\$ 46,863	\$ 38,330
Utilities	\$ 3,400	\$ 3,031
Chargebacks	\$ 191,397	\$ 167,466
Contracted Services	\$ 15,000	\$ 14,181
Transfer Fees	\$ 550,000	\$ 354,098
Charges for Sales & Services	\$ 934,500	\$ 872,554
Property Taxes	\$ (408,024)	\$ (374,022)

**HIGHLIGHTS:**

Cost categories are within budget.

Revenue received in excess of costs is returned to the General Fund. The revenue is dependent on the housing market, which has decreased activity since 2006.

**Register of Deeds -  
November 2009**



Brown County  
 UW - Extension  
 Budget Status Report  
 11/30/2009

	Annual Budget	YTD Actual
Personnel	\$ 274,970	\$215,722
Fringe Benefits	\$ 111,440	\$75,900
Operations & Maintenance	\$ 255,214	\$224,728
Travel & Conference	\$ 16,000	\$16,723
Utilities	\$ 7,700	\$6,655
Contracted Services	\$ 131,233	\$122,085
Other Expenses	\$ 51,189	\$31,360
Property Tax Revenue	\$ 463,240	\$424,633
Intergov't'l Revenue	\$ 217,776	\$119,573
Public Charges	\$ 76,617	\$109,608
Miscellaneous Revenue	\$ 41,391	\$8,888
Transfer In	\$ 48,722	\$33,248

HIGHLIGHTS:

Expenses:

Revenues:

UW Extension - November 30, 2009

